terest requires special ways and means of enabling large segments of the population to gain access to better living quarters.

For the most part, however, the public has always associated inadequate housing or slum conditions with the cities. They have encouraged the work which you are doing because the city slums were eyesores which were plainly evident to many people. Congress, for example, has just taken steps toward approval of more than 2,500,000 in authorization for clearing city limits in the Nation's Capital. And I am glad of it. I've been in Washington long enough to know that it is needed. But I could take you to rural areas in my district—the Eighth District of Alabama, which covers the northern part of the State—and show you farm families who need housing as bad as, or worse than, any I have seen in Washington.

To help eradicate these rural slums, the Congress included in the Housing Act of 1949 a farm-housing title.

To me, the problems of rural housing are particularly acute here in the Southeast. I believe that every State represented here today has a tremendous stake in seeing this legislation works to the benefit of its citizens, for it will not only eliminate rural slums in those States, but will help bring a new prosperity to the Southeast. I'm sure you know that half the farming population is centered right here in the Southeastern United States, and that any legislation aimed to help farm families will have its greatest impact on your States.

Have you ever inspected any of these rural slums to which I refer? I know that you can see enough destitution in the city areas you normally serve, but go back into the rural areas if you want to see even greater distress. I know figures are tiresome things to hear, yet a few of them may indicate how great the farm problem really is.

Did you know that over a fourth of all rural houses in the South need major repairs? Because of rotting floors, sagging roofs, weak walls, or poor foundations, it seems improbable that many in this group could be repaired at all. I've been into farm homes in my district where the house had such a leaky roof that it was impossible for the family to place a bed where the rain would not fall on it. I've been in others where it would be impossible to properly heat the dwelling, even when the cracks and crevices were stuffed with rags.

In your slum areas you have large segments of a city which may be without toilets, bath facilities, or running water—yet the average for all city dwellers is high. Compare that average with the fact that only 18 percent of all farm dwellings have running water, and only 29 percent have any water at all inside their homes, even a pump. And in your city studies you think an area is a slum if the families must use outside toilets—but 9 percent of our rural dwellings have no toilets at all, inside or out. And better than 80 percent still use the outdoor variety.

Crowding is a sign of slum conditions, isn't it? Did you know that one out of every three farm dwellings—and it is almost one out of every two here in the Southeast—do not have a room per person?

But enough of statistics. I'm sure you have heard many of them and could add to my list. The prime objective of the Housing Act of 1949 was to eliminate just such conditions wherever they existed, in city or on the farm. That's why we have a farm-housing title in the 1949 legislation for the first time in this Nation's history.

We realize, of course, that the legislation is just a step in the right direction, not the road which will lead all farm families out of the wilderness of rural slums. And we in Congress are constantly attempting to improve the legislation and to broaden its base. The Housing Act of 1949 authorized Government aid to farm families unable to obtain credit from any other source. We felt, however, that it left out a large segment of worthy farm families in the middle-income bracket who might be able to get credit but couldn't afford the type of credit which private sources made available. For them a new provision was included as part of the most recent housing legislation. I'm sure you are familiar with that legislation, too, since most of it applies directly to you and your work.

There is always one question which city audiences ask whenever I have discussed rural housing, and so I imagine many of you may be planning to ask it, too. You've heard about the big prices farmers get for their produce, you pay high prices for the foods you buy at your store or market. Why, then, does the farmer need help?

Actually the people who ask such questions aren't too familiar with the hazards of farming, and have false conceptions of the actual earnings of our farm families. Did you know that half the farmers here in the Southeast have a gross farm income under a thousand dollars a year? And out of it they must pay their farm operating expenses and support their families. There isn't much left over for housing, and so the farmers continue to live in houses which become more ramshackle each year.

It is more than good social theory to give such farmers a better opportunity, it is good hard common sense. With more adequate buildings on his farm he can make more income, and be better able to afford other things he needs. With a home which is safe and sanitary, he will have less medical expense, or less lost time because of illness and accident. With a better home life, the future citizens of America—and 24 percent of them come from our farms, you know—will have a better outlook on life and will be less prone to listen to foreign ideologies.

The Farm Housing Act was particularly designed to help the farmer with a low gross income who might actually be considered a poor credit risk by his local banker. While most of the loan funds will probably be used to help farmers who are already able to repay, one section of the act makes it possible for the farmer whose income is presently inadequate to actually get a loan which will increase his income. This type of loan is based on the idea of working out a planned farming operation capable of supporting the family and repaying the loan, then forgiving the borrower's interest and even part of his principal, if necessary, during the first few years while he changes over to this new type of farming. If some of our cotton farmers, for example, can make more money by changing to dairying, the loan can help them to get the necessary buildings for a dairying operation, and make their payments lighter while they are getting started.

One of the principal groups which have been helped by this legislation is the returned veteran. Most of our former servicemen were away from the farm long enough to get rusty at their farming operations; and their service pay didn't permit them to save up much money toward buying a farm of their own or building themselves the homes they wanted. This legislation gives preference to veterans, and as a result most of the first loans have gone to former servicemen. They can get the safe, useful buildings they need at the same time they are building up their farming enterprise, not be hindered from doing a good farming job because they can't afford good housing.

Just how well has the Housing Act operated to date in our rural areas? The money authorized in the Housing Act of 1949 was made available by congressional appropriation about the 1st of October, and the first loan under the new program was made on November 17. I was pleased that it was in my own district, and in Senator SPARKMAN'S old district, since we fathered the legislation; and I was pleased that both of us could be present when the disabled veteran who received the loan was given his check.

Since that time, almost $7,000,000 have been loaned farm families to provide them better housing; 75 percent of it in the South. Texas heads the Nation in the number of actual loans made, with almost 200—and Georgia is a close second with 180. Oklahama, by making 34 loans in one country—a grapes of wrath county, where housing was particularly bad—set a record for the most loans in any one locality to date. Sixteen States had made 50 or more loans, and every State in the Nation except Delaware and New Hampshire, has made at least 1. Approximately 20,000 applications were on file with the Farmers Home Administration on June 1, and about one-fourth of these had already been approved, subject to appraisal reports. The others are now being considered by county committees; and it is estimated that $25,000,000 will be loaned by the end of the fiscal year. Our House of Representatives, in passing the 1951 appropriation bill, included in it approximately $35,000,000 for rural-housing loans under this act.

What is the future of rural housing and rural-housing legislation? We in Congress are continuing to study carefully the various problems which exist in this field, and are writing amendments or new legislation to correct any defects which may develop. And we are listening with interest to the reports of the Administrator of the Farmers Home Administration for progress which is being made in this field. We know that we don't have all the answers; but if constant study, constant work, and constant interest can find the complete answers, I can assure you we will find them.

And even though your own field is more properly that of urban housing, we are here today to learn from you as well as to report to you. We are sure that this session will develop many things which we can use to advantage in rural as well as urban housing; and we are sure that you will share them with us as you develop them.

The Tidelands Issue

EXTENSION OF REMARKS
OF
HON. OVERTON BROOKS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 12, 1950

Mr. BROOKS. Mr. Speaker, the recent Supreme Court decision has made us realize more than ever before that the tidelands issue must be decided by Congress and that it should be decided as quickly as possible. From the viewpoint of the States, delay will no longer help.

In fact, it seems to me that perhaps the case of the several States has been prejudiced by the long delay awaiting action by the Supreme Court. Further delay will, I believe, mean the loss of ground and strength by those who believe, as I believe, that the mammoth central Government is about to put over a squeeze of more power by taking over the State-vested tidelands.

I shall not try here to dissertate upon the merits of the controversy. I have always been a firm believer in the fundamental rights of the several States and in strong and active local government. I have believed generally speaking the best government is that which is nearest the people. The tidelands have been

considered the property of the several States since the beginning of this Nation; and at this late date the claim of the National Government comes with poor grace.

My own State of Louisiana will, of course, receive a bitter blow if these lands adjacent to the normal boundaries of the State and submerged beneath the water are taken from it. More than any other State in the Union, Louisiana is affected. Our shallow waters extend out farther into the sea off the coast of the State of Louisiana than any other State. Our people have used the tidelands, I believe, more than the peoples of other States. We have used these lands for swimming, bathing and resorting, and fishing. We now are using them for the development of the minerals. I dare say that this is our real trouble.

We have discovered valuable oil and gas deposits in the tidelands off the coast of Louisiana. Had this not occurred, our people may have continued to use these lands for fishing, boating, resorting for a thousand years, and until the end of time, without Federal interference of our State claim to ownership. As it is now, the long arm of Washington is again reaching out, with its power and prestige and eminent domain and taking from the States that which has been recognized as the property of the States for a century and a half.

Mr. Speaker, I hope the tidelands bill will come to an early vote. I will fight that it be the channel whereby a disturbed and disputed title may be settled and whereby State ownership may be affirmed. I believe we can pass this measure through the House of Representatives and on to the Senate. But regardless of the results, it is my conviction that further delay will not help. It may weaken our cause.

A Noted Philosopher Discusses Prejudice

EXTENSION OF REMARKS
OF

HON. ABRAHAM J. MULTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1950

Mr. MULTER. Mr. Speaker, on Monday, June 5, the Supreme Court struck three damaging blows against racial segregation in the South. In three unanimous rulings, the Supreme Court struck down segregation on railroad dining cars, it ordered the University of Texas to admit a Negro to its law school and it similarly ordered the University of Oklahoma to remove restrictions against a Negro student in its school of education.

In a true democracy we cannot recognize or accept degrees of citizenship. The decisions just handed down by the Supreme Court help to clarify the law and our Constitution, and in so doing the highest tribunal of the land has performed a great service for our people at home and for this country's prestige abroad.

In connection with these very important rulings of the Supreme Court and the general need for extending human rights in this country to encompass all elements of our population, I desire to call the attention of my colleagues to a very fine, penetrating article by Prof. Harry A. Overstreet, published in the Saturday Review of Literature, January 21, 1950. His article, The Gentle People of Prejudice, is as follows:

THE GENTLE PEOPLE OF PREJUDICE

(By H. A. Overstreet)

Dorothy Baruch, in the Glass House of Prejudice, tells the story of José Morales, a Mexican war worker in the Los Angeles area. José was proud of his war job. He had written his brother, who taught in the University of Mexico, that at last he had work in which he could use his knowledge and skill. One day, after finishing his shift, José took the bus home. When he got off at his street corner he saw some men standing waiting. They were strangers to him. He had never seen them before, nor they him. But they looked hard at him, and they saw under the light of the street lamp that he was slim and dark.

One of them cried, "Dirty Mexican." And then they were on him. They tore off his clothes. They beat him with chains and iron pipes. They left him naked and bleeding. His back was broken.

The next morning he died.

A story like this leaves one bewildered. How could human beings do so cowardly a deed? They had never seen the man before. They did not know what kind of person he was. But to them, apparently, he was some form of evil. And that was enough. They killed him.

It does not answer the question to call them hoodlums. In a railway station, a ticket agent deliberately keeps the Negroes waiting until the last minute of train time while he first serves the whites and then sits at his desk chatting leisurely with a pal. He intends to be infuriating. He sees the Negroes at the ticket window, and he enjoys keeping them waiting. He knows they are bitter and relishes their bitterness. He feels big. He is a white man. Let the damn niggers wait.

A woman with rooms to rent slams the door in the face of an inquiring couple. "I don't take any Jews here." She knows her words are an insult. She intends them to be. She feels important, righteous.

The terrifying thing about the cruelty of prejudice is that it justifies itself to itself. It was that way with Hitler's Nazis. To strike down an inoffensive old man, kick him, defile him; that was good, right, beautiful. It was what any well-disciplined Nazi ought to do. It was expected.

How do people get that way?

"Easy," said the poet, "is the descent to Avernus." The first slippery step down is the assumption of an unearned right.

The white man can eat where he pleases, live where he pleases, dance where he pleases, enter the occupation he pleases. He takes that right as his—an absolute one unrelated to his own merit or demerit. He does not need to give a thought to the fact that dark-skinned people do not have these rights, nor to the fact that they are denied them not because they are worse people but because they do not belong to the dominant group. They may even be better people—more intelligent, more reliable, more gracious and pleasant to have around. But the white man would be vastly surprised if someone were to say to him: "You cannot have those privileges of yours without earning them. It is on the record that you are an untrustworthy man; you are foul-mouthed, and you beat your wife. You'll have to be put in a Jim Crow car."

Justice is a relation between what an individual does and the rewards or punishments he receives. A culture begins to slip morally when it grants special privileges or denies them on grounds that have nothing to do with individual desert. An employer who gave higher pay to an incompetent official of the company merely because the two of them bowled together or hailed from the same town would be an unjust employer. Justice plays no favorites. The basic moral law requires that as a man is and does so shall he be judged.

Once the dubious principle is accepted that group privileges need have no relation to individual merit, the descent into immoralism is easy. The Nazis made that descent, with a cruel arrogance unmatched in history. No Nazi needed to give the slightest thought to the individual Jews he was herding into the freight car. They might be the noblest persons in the world or the most scoundrelly. So far as he was concerned, all human distinctions among them had vanished. "In the night," wrote Hegel, "all cows are gray." In the night of race prejudice all persons in the despised group are alike. When that happens there is no more morality.

Happily, not everyone who is afflicted with race prejudice goes as far down as did the Nazis. Most people who are prejudiced merely take this first slippery step down: as members of the privileged race they assume the right to have and to hold their special privileges irrespective of their own merit, and they deny these rights to others with a like disregard of individual worth. This may not seem a dangerous downward step to take since so many otherwise respectable people do take it. But note what it involves. Everyone who accepts for himself the special privileges that go with denying them to people of a subordinated race makes possible all the cruelties that arise out of such unjust discrimination.

Thus, for others less kindly disposed than himself, he makes possible the next downward step—scapegoating. A basic requirement of the moral life is to make sure that the person blamed is the person who merits the blame. Here again the Nazis were flagrant offenders. "It was the Jews who did it." That applied to all situations where the Germans, individually or collectively, had suffered frustration. Half-starved after World War I, unemployed, dispirited, ignorant of the reasons for their plight, bedazed by a mystic sense of their own greatness, Germans did not take the sturdy course of seeking out the real causes of their defeat and distress. Had they done so they might have found many causes within themselves. But it takes moral maturity to declare oneself in the wrong. The morally immature person finds it easier to put the blame on someone else. Children do this. "It was Johnny spilled the ink; he joggled my elbow."

Scapegoating is dangerous because it leads easily to violent acts. Where society condemns a certain group as inferior and rightless, it provides an area of permitted insult and cruelty. The man who has lost a business contract cannot go out and kick a white passerby; he might get kicked back. But in certain parts of America he can punch a Negro and call him a black bastard. The Negro has no right to hit back or even to answer back. So, in like manner, the poor white can take out his poverty-frustration on his more well-to-do Negro neighbor by joining with the night riders to burn the Negro's barn. The California "vigilante," burdened with his mortgage and his envy, can empty his revolver through the windows of the returned Nisei farmer. Scapegoating is

of General Bradley at this occasion as I know you will be inspired by what he had to say:

Dr. Bolton, Colonel Boatner, distinguished guests and friends at Texas A. and M. there are two important ceremonies today.

One of them is graduation, and the awarding of degrees for accomplishment in the academic field. The other is this ceremony: The awarding of commissions to new second lieutenants in the Army and the Air Force of the United States.

It is a great privilege to be able to participate in both of these ceremonies with the Aggies for whom I have had a life-time of admiration and respect.

Any American citizen would be proud to stand here with the president of your college, the commanding general of the Fourth Army, General Irvine of the Twelfth Air Force, and the other distinguished guests. However, I must admit that my greatest pleasure is derived from participating in this important exercise with 306 second lieutenants—citizen-soldiers pledged to the defense of the American people.

Having already served with some of you young men in the Armed Forces, I have a great respect for your past accomplishments.

Having worked for a second lieutenant's commission at another well-known military school—West Point—I have a pretty good idea of the great effort you have already put into this achievement.

Having served 35 years as a commissioned officer in the Armed Forces, I have a pretty good idea of the problems and the privileges that lie ahead of you in the service of your country.

In your future lives as leaders in civilian life and as leaders in your simultaneous military careers, you will be called upon to utilize your best talent and exert your greatest energy. The road ahead for the United States does not look like an easy one. Fortunately the young men being commissioned here today have had the rare privilege of attending a first-rate military college, and at the same time attaining a first-rate education in the sciences and arts.

Everyone in the United States recognizes the unique quality of the combined military and civilian education offered at Texas A. and M. It has a school of military science, with a dean, who represents the school on the top-faculty level. The military program is so integrated with the rest of the college, that it supplements the instruction of other schools in the college in preparing young men for civilian and military leadership. The training that you men have received, as part of your military education, builds the same leadership that will characterize the outstanding man in either civilian or military affairs.

(a) Further advantages of training in a military college.

(b) Chance to place more responsibility.

We have only to review the history of the past 10 years, and the headlines of the morning paper, to realize that our Nation will require the best combined civilian-military leadership in order to guide the world to the peace and security that the world must have.

In my opinion, the great advantage of a military education stems from the character-building qualities of such training. Any leader in the Armed Forces of a democracy must have an unimpeachable reputation for integrity, and a full knowledge of human relations. For this task as a military leader is to inspire the discipline that brings success on the battlefield, without jeopardizing the dignity of the individual.

The essence of military education is the constant solution of problems. The end result of the military educational process is a well-rounded man who knows how to analyze a problem—make an estimate—evolve a plan of action—and intelligently exercise the command, and the leadership, to solve the problem satisfactorily with the men and materials at hand.

The young Confederate general, and the first president of Texas A. and M.—Lawrence Sullivan Ross—whom you honor on your programs today, exemplified these qualities of combined military-civilian leadership so necessary in our form of democratic living.

With such examples, you men can aspire to real accomplishment.

Your families, your friends, and the capable instructors you have here at Texas A. and M. can well be proud of you today. I am sure that the Aggies who have served their country before you, in war and in peace, are with you in spirit and will watch your progress with great pride.

May I commend you for the work already done, and congratulate you upon your achievement, and wish for you continued success in your future civilian and military careers.

A Scrap of Paper

EXTENSION OF REMARKS
OF
HON. OLIN E. TEAGUE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 1950

Mr. TEAGUE. Mr. Speaker, those of us who have carefully followed the legal and legislative action on the tidelands question were disappointed and shocked to learn of the 4 to 3 Supreme Court decision which denied Texas of the ownership of the tidelands which it has owned and controlled for these many years since coming into the Union. We have legislation pending which would clarify this situation and restore the control of the tidelands to its rightful owners, in this case the people of Texas, and it is my sincere hope that either the Supreme Court will reconsider its recent decision or that corrective legislation will be enacted into law which would prevent the United States Government from taking over State property without just compensation.

Under leave to extend my remarks in the RECORD, I wish to include an editorial entitled "A Scrap of Paper," which appeared in the Italy News-Herald, Italy, Tex.; I also wish to include a statement entitled "A Memorial to Honor," which was presented by Mr. Walter E. Long at the fourty-fourth annual convention of the Texas Chamber of Commerce Managers Association. They follow:

[From the Italy (Tex.) News-Herald]

A SCRAP OF PAPER

A few years back when Hitler was overrunning Europe the charge that he considered treaties merely a scrap of paper was frequently heard. The violation of treaties on his part was considered a crime of no little consequence. The United States Government has now shown it too considers a treaty nothing more than a scrap of paper and worthy of recognition only insofar as it benefits the United States. What we refer to, of course, is the treaty of annexation whereby the Republic of Texas became one of the States.

Among provisions of this treaty was one allowing—no; requiring—the State of Texas to retain those public lands which belonged to it as the Republic of Texas, the revenue from such lands to be used for the retirement of debts owed by the Republic of Texas. Had the Republic of Texas refused to have accepted these terms the United States Senate would have refused to confirm the treaty.

For 100 years this treaty was observed. Texas paid off her indebtedness; she built fine schools and colleges and a magnificent capitol building with returns from this public land she was forced to retain. No one wanted any part of what was considered valueless wasteland. Then oil was discovered on this land and covetous eyes began casting about for a means of bringing this land under the domination of the Central Government in Washington. When oil was discovered beneath the territorial waters of the State of Texas the greedy politicians moved in. Here was land that was unoccupied. Here was property that could never be owned privately. Here was land with a potential high value that might be claimed and the claim was made.

The subservient Supreme Court of the United States has upheld that claim, ignoring all arguments to the contrary; ignoring land grants dating back hundreds of years; ignoring the treaty by which Texas became a part of the Union; ignoring everything except the fact that an administration that wants these lands had named the members of the Court to the bench.

Texas' able attorney general, Price Daniel, has conducted an admirable defense of the Texas position, but it's hard to win a ball game when the umpires are appointed by the team that is determined to win at all costs. He is going to continue to fight for that which is ours, but it appears hopeless to fight through the courts any longer. The fight must now be carried to Congress where a reaffirmation of the treaty of annexation should be sought.

The question that keeps arising before us in this entire matter now is the status of Texas as a State. If one part of the treaty is invalid isn't it all? And if all the treaty is invalid it stands to reason then that Texas is an independent republic. Somehow or other that idea doesn't sound nearly as bad as one might expect, either.

A MEMORIAL TO HONOR

(By Walter E. Long)

"Ill fares the land to wandering ills a prey,
Where wealth accumulates and men decay."

One hundred and seventy-four years ago a new Nation was born. To its life men pledged their "sacred honor."

They declared "certain inalienable rights", and wrote them into a Constitution of the United States. This document was the first in history to give full stability to contractual responsibility, thereby making possible America's great industrial growth by credit expansion.

One hundred and fourteen years ago another new nation was born through sweat and blood. It too adopted a constitution which men again pledged their honor to defend.

For 9 years this nation of Texas fought off from her borders those who would invade her homes, while over her tidelands her navy battled those who would take over her sea coast.

In 1845 the Republic of Texas accepted the invitation of the Congress of the Republic of the United States to become a State in that Union. These acts were performed with honorable motives by honorable men.

In surrendering her sovereignty as a republic, the free and independent nation of Texas made certain terms regarding her pub-

only a portion of the population yet have separate Cabinet departments.

4. Not promote economy.

5. Create a triple holding company, a conglomerate Department of Health, Education and Security, most of whose work is not related.

6. Not be a reorganization of administration, but a renaming of an agency admittedly faulty in set-up.

7. Open the way for an ambitious secretary, entrusted with great power, to take over control of VA's medical department.

8. Make possible Federal control of medical education through granting and withholding scholarships, etc.

9. Point toward eventual Federal domination of our voluntary hospital system.

10. Create a master organization ready and anxious to take over administration of a national compulsory health-insurance program.

11. Place administration of the Nation's health activities in the hands of a politically-appointed secretary with no professional qualifications.

12. Place the direct operation of medical programs in the hands of a surgeon general who need not even be a doctor of medicine.

13. Not, in the slightest degree, promise to improve the health and welfare of the American people.

The Supreme Court Decision in the Tidelands Case

EXTENSION OF REMARKS
OF
HON. TOM CONNALLY
OF TEXAS
IN THE SENATE OF THE UNITED STATES
Wednesday, June 28 (legislative day of Wednesday, June 7), 1950

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD an editorial having to do with the decision of the Supreme Court in the tidelands case, published in the Houston Post of June 22, 1950.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FUNDAMENTAL ERROR

The fabled Smoky Mountain justice of the peace who brushed aside a lawyer's citation of a Supreme Court ruling with the dictum, "The Supreme Court yerred," may have had something. It has now been established as a fact that the high tribunal can make a mistake. Attorney General Price Daniel, in his Tuesday night broadcast, showed conclusively that the Court based its recent ruling against Texas in the Tidelands case on a "grievous error of fact and history."

Justice Douglas, who wrote the Court's opinion, made the alleged error in the statement that Texas entered the Union under an agreement placing her on an equal footing with the other States, nullifying her claim to her tidelands.

Assuming the correctness of Mr. Daniel's indirect quotation from the opinion, Justice Douglas has no logical escape from admitting his fundamental error and reversing his vote which was thereby determined, making it at least 4–3 in favor of Texas ownership, or granting a motion for rehearing. The motion is now being prepared, Mr. Daniel said.

Mr. Douglas could have avoided the apparent colossal blunder by allowing the evidence to be presented before writing an opinion, or even by merely reading J. H. Smith's book, The Annexation of Texas, the completely documented standard work on the subject.

In order to satisfy opponents of the Texas annexation resolution, Congress adopted an amendment which became section 3 of the measure. It gave the President the choice of two alternatives: (1) He could submit to the Republic of Texas for acceptance the specific annexation resolution adopted by Congress, in which Texas retained its public lands; or (2) if the President deemed it more advisable, he could withhold the resolution and open negotiations with Texas for its admission on an equal footing with existing States.

President Tyler, who signed the annexation resolution a few days before his term of office expired, chose the plan already enacted, which said nothing of equal footing. He submitted this to Texas, and Texas adopted it. Thus he discarded the alternative scheme of negotiations and an equal-footing clause. James K. Polk, succeeding Tyler as President, approved and carried out Tyler's decision.

So, as Mr. Daniel pointed out, the alternative plan was never submitted to nor accepted by the Republic of Texas. But Justice Douglas apparently misunderstood the facts when writing his opinion. He made his error and laid the false premise on which the court's tidelands decision rests, by quoting the abandonment alternative plan as a controlling provision of the annexation resolution, in support of his reasoning that Texas could not have entered on an equal footing and at the same time retained her tidelands.

Confronted with the documentary proof of this basic error, as he will be confronted when Mr. Daniel submits his motion for rehearing, will the distinguished Justice Douglas admit it and reverse his position on the tidelands question? And will the august Supreme Court thereupon reverse itself and hold that Texas owns her submerged lands—or at least grant a rehearing or order a trial of the case on its merits? What do you think?

Now the Clarification Cat Is Out of the Basing-Point Bag

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 28, 1950

Mr. PATMAN. Mr. Speaker, the magazine Steel, the mouthpiece for the big steel companies, has at last let the cat out of the bag on the basing-point bill.

It was contended all along during the 2-year fight against restoring Pittsburgh-plus that the steel and cement companies only wanted the law clarified, that they did not expect to be allowed the privilege of conspiring with their competitors to fix prices. This was not correct.

In the magazine Steel, for June 26, 1950, in a discussion of the basing-point bill, S. 1008, under the title "Confusion Continues," this statement appears:

They will remember that the Supreme Court ruled that the mere fact cement prices were uniform on a delivered basis was in itself a sign of collusion. Certainly the point as to what constitutes collusion should be clarified.

In other words, the steel and cement companies want a law passed that will require more proof of collusion than the fixing of identical prices. The fact is there can be no better proof than identical pricing of collusion.

The inference in this statement is irresistible that what steel and cement companies want is a law that will not permit evidence of identical pricing to be sufficient to prove collusion.

The House Committee on Small Business is getting reports daily from every section of the United States on identical prices. The committee has been doing this for months. It is not unusual for exactly the same price down to the fifth decimal point to be asked on competitive bids by a dozen or more companies situated from 50 to 1,500 miles from the place of delivery.

Until the Cement decision, April 24, 1948, on cement and steel, prices were exactly the same. Since that decision there has been competitive bidding. If S. 1008 had become a law the cement and steel companies would have gone back to identical pricing again and there would have been no way on earth to have proven that they were in collusion.

Considering the huge amount of money that will be spent the next year and subsequent years for cement on road construction it would certainly be against the public interest to have any law passed that would permit cement companies to fix prices and have no competition. The Supreme Court decision does not need clarification. It is very clear that if competitors get together and fix prices which are identical, disclosing no competition whatsoever, it is a violation of the law, as such conduct is evidence of collusion. What the steel and cement companies want is confusion so that the Supreme Court decision will not be clear on this point.

Communist-Fighting Is Serious Business

EXTENSION OF REMARKS
OF
HON. M. G. BURNSIDE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 28, 1950

Mr. BURNSIDE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following excerpt from a radio broadcast I made recently:

Communism is a serious threat to the safety of the United States. It isn't an internal political threat, however—it's a security threat. The Communists could not possibly take over the Government now or in the foreseeable future, but they can do a lot of damage through espionage and sabotage. It takes only one Communist, for example, to blow up a building. That is what we have to fight.

We should quit fighting the imaginary perils of communism and concentrate our efforts on the grimly real perils.

We could not move equipment fast enough should the same push have been in Iran, Indochina, India, Yugoslavia, Greece, Turkey, Arabia, the Balkans, France, western Germany, and other areas.

By a roll-call vote, I voted for the United Nations in the hope something could be done toward a permanent peace. Congress had no vote as to whether Russia should be given such veto powers in the United Nations Councils.

The member nations having similar views to ours so far have only been able to give little help. We practically stand alone in Korea, but, as we all know, we are there. As Stephen Decatur, a hero of the War of 1812, said, "My country, in her intercourse with foreign nations, may she always be right, but my country, right or wrong."

Mr. Speaker, because of this now comes another of our three branches of Government—the legislative, which had before it the economic-control bill. The Constitution defines the legislative branch as the one to make the laws with the veto power in the executive branch. Because of this I do not believe the Congress should give up that function of Government. For my part, I do not propose to do it. That is why the lower House is elected every 2 years.

Why should blank-check authority be given on the economy of this Nation? Congress is in session to pass any needed and emergency legislation. There is no reason why they should not be prepared to do that under present conditions, regardless of this being an election year. To be frank and blunt, Congress should stay right here.

In asking for no territory increase, in fighting communism, dictatorships, and tyranny, let us not create the conditions for a dictatorship for ourselves. Then why should we walk out on or be afraid of our own responsibility. I voted against the legislation on this basis, although if world war III becomes a worldwide reality, I believe in controls on everything and everybody.

This legislation in the main does five things:

Section 1: Permits the President, at his discretion, to put ceilings, separately or all at once, on wages and prices and to institute rationing. Prices would not be rolled back automatically, but they could be as far as May 24–June 24, 1950, levels. Wages would be frozen at that level, though some higher wages would be possible under various exceptions.

Section 2: Permits the President to allocate scarce materials.

Section 3: Permits the President to set priorities that would give preference to defense contracts.

Section 4: Permits the President to requisition materials or equipment for defense and to make defense production loans up to $2,000,000,000 in all.

Section 5: Permits the President to reinstate wartime consumer credit controls—meaning higher down payments—and to establish new credit controls on new building—meaning higher down payments for homes and business buildings.

As far as section 5 is concerned, I believe the Federal Reserve Board has ample power to control credits merely by raising the rediscount rate.

Section 1 lets the executive department make the law by Executive order. Should this be done it appears to me it would create an unfair situation. Prices could be rolled back as of May 24–June 24, 1950, levels. This would be fair in some instances and unfair in others.

It would be unfair where agricultural prices in the Midwest are concerned. Practically every commodity is down 25 percent today as far as the prices the farmer receives.

Hogs reached a top after World War II of $32 per hundred. Last fall, 1949, they were around $15 to $16. This week around $24, or 25 percent under the high.

Cattle top grade reached $42.50. Remember only one feeder obtains top price. On August 10, 1950, at Chicago, good and choice steers brought $29.50 to $30.75. Choice vealers, $27 to $33. At least 20 percent down according to grade.

The highest corn sold for was $2.25 to $2.50 per bushel. Last year's 1949 crop, $1.10 to $1.25 at the elevators, the Government loan being $1.35. This fall it might bring $1.40 or $1.50. At least $1 per bushel under top price.

Soybeans were about $3.25 to $3.50 per bushel last fall. This year's November quotation on August 10 average is $2.40. Again $1 below the maximum.

The dairy farmer is receiving at least 25 percent less for milk than he did at the top level.

You can easily see that even though farm prices have advanced some from the extreme low, that to freeze these prices as of June 24 would be unfair. This is certainly true, because there is little, if any, reduction in prices of anything the farmer must buy.

As to new additional control over commodity exchanges, every rural elevator, when buying grain, uses the commodity exchanges to hedge these purchases immediately. They would not have, nor could they borrow enough funds to handle a farmer's grain if they could not do this. Neither could they afford to handle crops in any other manner. Gambling in grain is one thing, and rural elevator hedging is another. The exchanges are regulated at present.

As evidence of the fact that there is no shortage in agricultural products, Secretary Brannan appeared 2 weeks ago before the House Committee on Agriculture in support of a $40,000,000 authorization to repackage bulk perishable agricultural commodities now owned by the Government, namely, by the Commodity Credit Corporation. If passed, these commodities stored in bulk could be shipped to States for their institutions and seaboard ports for needy foreign countries under certain conditions.

Mr. Speaker, I see no reason in Congress setting up a possible dictatorship in this country. We have been at war since December 7, 1941, supposedly to stop just that.

Free enterprise and high production stopped black markets in 1948 in farm implements and automobiles from selling above the regular retail prices. I do not believe the citizens of the Twentieth Illinois District want any more of it. They know what I mean when I say they do not want another Knetzer affair.

Tidelands Encroachment

EXTENSION OF REMARKS
OF
HON. HENRY D. LARCADE, JR.
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 22, 1950

Mr. LARCADE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the New Orleans Times-Picayune:

TIDELANDS ENCROACHMENT

That the Interior Department already has moved to take over jurisdiction of offshore drilling, etc., without a law to back it up, is not surprising. That the United States engineers have been influenced to base approval of plans, etc., for oil-well structures outside Texas-Louisiana inland waters, on Interior Department O. K.'s, is regrettable. These encroachments have been rightfully protested by the Louisiana Mineral Board; and they provide another reason for congressional action on this matter.

The haziness of the situation is emphasized by lack of a dividing line, or clean-cut distinction between inland and offshore waters, which can only be drawn by law, but which the Interior Department apparently is making on its own hook—interfering, to that extent, with State operations. The same right of arbitrary distinction is given the Secretary of the Interior under the proposed O'Mahoney interim escrow bill.

The great objection to the O'Mahoney bill, however, is that it violates the principle of possession and prior jurisdiction, by seeking to give interim administration of the tidelands to the Government. Why wasn't this bill drawn to maintain such administration in the States, under the same conditions, pending final disposition of the issue? Senator O'MAHONEY knows that, as the record stands, a majority of Congress supports quitclaiming title to the States. It may require a two-thirds majority to effect this; but meanwhile the premature recognition and endorsement of Federal jurisdiction is contrary to sentiment.

Since Senator O'MAHONEY did not see fit to draft his legislation in accord with the status quo, it behooves tidelands-rights advocates to submit their own interim escrow bill, with provisional and unprejudicial demarcation lines, retaining State jurisdiction pending final settlement.

American Legion Resolution

EXTENSION OF REMARKS
OF
HON. LAURIE C. BATTLE
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 15, 1950

Mr. BATTLE. Mr. Speaker, the American Legion, Department of Alabama, sent me a copy of its resolution

I include extracts from a letter written by Jan J. Erteszek, a naturalized American who was born in Poland and received the degree of doctor of laws at the University of Cracow. This article was published as an editorial in the August 18 issue of the United States News and World Report, and David Lawrence, editor, says that Mr. Erteszek's descent and background give him an understanding of the Slavic mind. This, together with his Americanism, enables him to make a convincing presentation of the faith needed to combat world communism.

Mr. Speaker, I have been saying almost exactly this same thing, perhaps in different words, ever since my return from the iron-curtain countries last fall. I believe that this article sums up and points up that the crusade against communism in which we are engaged is basically the old battle of God versus the Devil. I think it is worthy of the time of everyone to read this article:

The main difference between communism and our philosophy of life is of a spiritual character and revolves around beliefs pertaining to the nature and destiny of human beings. Thus, it is in the realm of faith that our conflict must be fought out.

We might defeat the Russians by force of arms alone but never will we defeat communism by force of arms alone. If we lose the spiritual battle, we will have gained nothing except chaos and spiritual vacuum.

The main precept of our philosophy of life is not democracy, but our faith in God—consequently also our belief in sovereignty of the soul and dignity of human beings. As believers we follow, obey, and seek God. Our founding fathers have thought democracy to be the best system of Government to fulfill the spiritual objectives and aims for which they have come to America.

Communists, on the contrary, live without and against God. Our lives are determined by morality—theirs by expediency; ours by belief in the higher destiny of the human being—theirs by contempt of his limitations; ours by hope and faith—theirs by material gain and human greed; ours by brotherly love—theirs by class hatred; ours by trust—theirs by cunning.

Democracy is a system of government—the best that has been known to civilized people, but it is not the common denominator of all righteous peoples of the world.

Only to the American has the word "democracy" an emotional appeal. For better or for worse, it is absolutely meaningless to the great mass of little people in the rest of the world. If they are sufficiently educated, and most of them are not, it will be at best for them an intellectual or political term. I can assure you, however, that the Polish peasant, the Russian worker, the South American peon, or the Hindu untouchable does not emotionally react to the term "democracy."

No system or way of life has survived once it was satisfied to limit its efforts to its own preservation. We must not be content just in preservation of our way of life alone. We must have an ideal which in free interplay of social and spiritual forces will find its prophets, its zealots, its missionaries, and its converts.

Our great moral cause must be an expansive, positive, universal ideal. On behalf of this ideal, we must be ready to crusade among all the peoples of the world, to rally universally the masses to our standards and lead them to a better and nobler tomorrow.

God only, and our trust in Him, is the great moral cause in which we differ from the Communist. God, and trust in Him, is the common denominator between us and all peoples of the world.

One cannot serve God and communism at the same time. When one chooses to serve communism he has made a decision to sell his soul, either for material gain or other advantage. He has decided to trade his freedom for whatever gain he has been promised individually or for a group. The Communist chooses to become a spiritual, and in due course, a physical slave. Once he becomes a slave he is at the mercy of his masters who do not deem it necessary to keep their promises to their slaves. Thus, he serves the cause of evil.

It is God against devil, as basic and simple as that. There is no choice in between. All the people, humble and mighty, educated and simple, know where God is, and where evil is. On does not need for this intellectual speculation. There is a divine spark in every human being no matter on which side of the fence he is, and it can be kindled into a great fire against evil and for justice under God, for peace, brotherly love, freedom, and equality, for a nobler and better tomorrow.

If we truly believe in godly justice, we must find a solution for human ills, for privation, for race and class hatred. In the economic field, we must support a thorough land reform in all agricultural countries. We cannot close our eyes to the plight of millions of land-poor and landless peasants. We must provide them with tools to pursue their endeavors. For the rest of the people we must give assurance of the right to work at a decent wage. Land reform and the privilege to work for a decent wage will not destroy the capitalistic system of economy but, on the contrary, will remove its greatest weakness—the fear and frustrations of the contemporary man. It is the frustrated and fearful men who are the Communist's prey.

The Red horde is on the move, the time is running out fast. If we do not win this spiritual conflict, nothing will matter. Let's take the banner and lead the fight.

San Angelo (Tex.) Chamber of Commerce Makes Clear, Concise, Unanswerable Statement Showing Error of Supreme Court in Texas Tidelands Case

EXTENSION OF REMARKS
OF
HON. O. C. FISHER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1950

Mr. FISHER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include a statement by the San Angelo (Tex.) Chamber of Commerce regarding the recent Supreme Court decision in the Texas tidelands case. The statement is one of the clearest and most forceful I have seen on the subject, and I submit it for the RECORD:

To the Congress of the United States of America:

On June 5, 1950, the Supreme Court of the United States handed down a 4 to 3 decision which attempted to give title to the Federal Government of the tidelands off the shore of Texas. In 1845 the United States Government entered into a written contract with the people of Texas which specifically provided that these lands would remain the property of Texas after the Republic of Texas became a State. This decision of the Supreme Court, if allowed to stand and become effective would be a clear-cut breach of this contract. Today, more than ever before, the United States is looked upon over the entire world as the example of a democratic country which keeps its obligations and treaties faithfully and to the letter. The United States of America should not allow the world to witness it breaking a contract, which its representatives made in good faith, and has stood for over 100 years. In writing its decision, the Supreme Court refused to allow the attorney general of Texas to present and develop the multitude of evidence it had regarding this case. In making its decision the Supreme Court completely ignored the historical facts which are relative to this case. The entire citizenship of Texas is greatly disturbed and insulted by this action. The documented facts of history stand, regardless of the varied political interpretations which come and go with the generations of time. We, the people of Texas, ask you to look at the facts:

1. After winning its independence from Mexico on the battlefield of San Jacinto in 1836, the First Congress of the Republic of Texas fixed its limits by a boundary act of December 19, 1836, as follows: "Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico 3 leagues from land, to the mouth of the Rio Grande * * *." Thereafter, in 1837, President Andrew Jackson advised the Congress of the United States as follows:

"The title of Texas to the territory she claims is identified with her independence."

2. On April 12, 1844, after formal negotiations, a treaty was signed between Texas and the United States, providing for the annexation of Texas. In this treaty Texas was to give up its public land and public property. The United States was to assume the public debt of Texas and was to annex Texas as a territory. On April 22, 1844, President Tyler sent this treaty to the Senate of the United States, which on June 8 voted and defeated the treaty by a vote of 36 to 16. One of the main reasons stated on the floor of the Senate for the defeat of this treaty was the allegation that Texas' lands were "worthless" and would never amount to enough to pay the indebtedness of that Republic. One Senator said: "Let Texas keep her lands and pay her own debts."

3. Accordingly, the same Congress submitted a counterproposal to the Republic of Texas for annexation. From December 10, 1844, until February 14, 1845, 17 drafts of a counterproposal came before the United States Congress. Some of these had provisions which would have required Texas "to cede its minerals, mines, salt lakes, and springs," and to give up its land and mineral rights. None of these proposals passed. Finally Representative Milton Brown, of Tennessee, who had previously introduced a resolution stipulating that Texas cede her minerals, offered again the general proposals of his original resolution, but omitted the ceding of mineral clauses, which his earlier resolution had contained and which had just been defeated in the rejection of an amendment of Representative Burke, of New Hampshire, which stipulated that Texas cede its minerals and mines. Brown's revised resolution was adopted by a vote of 120 to 98. Thus the claim of the United States to the minerals of Texas was considered and rejected by the House of Representatives in its formation of the resolution which was submitted to and accepted by the Republic of Texas as the basis of its admission to the Union.

This House resolution that finally passed contained two paragraphs; the first proposed that Texas should be admitted to the Union as a State, with a republican form of government adopted by the people of Texas and approved by the Congress of the United States. The second paragraph specified the

details of the annexation; namely that the constitution of the new State must be submitted to Congress before January 1, 1846, and that new States, not exceeding four in number in addition to the State of Texas might be formed out of Texas. The most important of these specific provisions was that Texas was to retain its public debt and was to retain title to all of the vacant land and unappropriated lands lying within the limits of the Republic of Texas. Nothing was in these first two paragraphs about "equal footing" with other States.

The United States Senate amended this resolution and added a third paragraph which gave the President of the United States the option at his own judgment and discretion to negotiate the annexation of Texas by treaty which would admit Texas into the Union "on an equal footing with the existing States," instead of submitting to the Republic of Texas the proposals of the first and second paragraphs as prepared by the House.

President Tyler chose not to exercise this option to negotiate by treaty, and instead submitted the provisions of only the first 2 paragraphs of the joint resolution. President Anson Jones of Texas submitted this to the Texas Congress, which unanimously approved it, and then called a convention of the people of Texas to prepare a State constitution and to ratify the acceptance by the Texas Congress. This convention passed an ordinance of acceptance which states, "—We, the deputies of the people of Texas, do ordain and declare that we assent to and accept the proposals, conditions, and guaranties contained in the first and second sections of the resolution of the Congress of the United States." On December 29, 1845, James K. Polk, President of the United States, signed a joint resolution of the Congress of the United States, which referred to the offer by the United States and the acceptance of Texas of the provisions of the first and second paragraphs of the initial joint resolution of March 1, 1845, which made the offer, and declared that effective upon December 29, 1845, and upon those terms, Texas was a State in the Union. Thus, although the President of the United States was authorized by the third paragraph of the resolution, at his own discretion, to offer Texas an opportunity to come into the Union on "equal footing" by treaty, he instead submitted the alternate proposal which outlined specific provisions allowing Texas to retain her lands. The proposal actually submitted to and accepted and ratified by Texas contained no mention of the "equal footing" idea. One of the specific proposals, conditions, and guaranties offered by the United States in good faith and accepted faithfully by the people of Texas was that Texas was to retain the public domain which had belonged to it while it was an independent nation. These lands consisted of an estimated 237,906,000 acres of public lands which extended to 3 leagues off shore. The new State of Texas retained the General Land Office, which had been established by the Republic to administer the ownership of these lands. And for over 100 years Texas has had possession of these lands and has administered them accordingly, and its ownership has been recognized by all parties, including the United States Government.

These are the facts of history. It is not the romantic imagination of Texas, nor is it a wishful dream of ours. It is true, pure, and clean factual history. To violate this written contract made in good faith by both parties and kept by both for over 100 years is to cast a dark shadow of dishonor upon the whole of American life, public and private, which rests upon the integrity, the faithful observance of agreements.

Four members of the Supreme Court of the United States, less than a majority of the full nine-member Court, have ignored the provisions of the annexation contract by which Texas retained these lands and minerals. In justification therefore, these four members have cited and relied upon the alternative "equal footing" provision which was never submitted by the President of the United States to Texas and was never considered, accepted, or agreed upon by the Republic of Texas. It was contained in none of the proposals to or negotiations with Texas except the above-mentioned alternative and rejected third paragraph. The result is that an alternative proposal which was rejected both by the United States and Texas has been allowed by the Supreme Court to control over the proposal specifically submitted by the President of the United States and accepted by the Congress and people of Texas, and which provided that they retain all lands "lying within its limits."

THE RULING OF THE SUPREME COURT SHOULD NOT BE ALLOWED TO STAND

As Chief Justice John Marshall said, suits involving constitutional issues and treaties should not be decided by less than a majority of the full Court. In no event should four members of the Court, over the protest of three dissenters, be allowed to break a provision of the solemn contract between the United States and the Republic of Texas and take away from the State 2,680,000 acres of land which has been in its possession for over 100 years. If the Court persists, then Congress should remedy the injustice.

Since it was a joint resolution of Congress which established the provisions of Texas' affiliations with the United States, we, the people of Texas, appeal to you whose high privilege it is to make the policies of this Nation, to uphold the dignity of our great country by enforcing the agreements made by your predecessors over 105 years ago. Today, the United States is the leader of nations in the fight to uphold the high moral principles of honor, and good faith in government. Now, while its representatives are negotiating treaties and agreements with nations all over the earth, is no time for the Government of the United States to exhibit to the world that it will stoop to the depth of regarding a written document made in good faith by two nations as a "scrap of paper." The people of Texas cannot accept such a conduct of Government. We respectfully urge that the Eighty-first Congress by a joint resolution uphold the honor and dignity of the Twenty-ninth Congress and support the provisions of its annexation agreement with Texas, and declare that all right, title, and interest in the public domain of Texas, including its tidelands, 3 leagues into the sea, remains and is vested in the State of Texas.

Passed by the board of directors of the San Angelo (Tex.) Chamber of Commerce this 10th day of August 1950.

H. C. CHARLESS,
President.

The Poorest Politics

EXTENSION OF REMARKS
OF
HON. KENNETH S. WHERRY
OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 15 (legislative day of Thursday, July 20), 1950

Mr. WHERRY. Mr. President, the Evening World-Herald of Omaha, Nebr., on August 9, 1950, carried an editorial on Government controls. The editorial is especially timely since this issue is now before the Senate. I ask unanimous consent for its insertion in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE POOREST POLITICS

Of all methods yet proposed for handling the economic problems arising from the Korean War, the Senate Banking Committee this week voted for the worst.

It gave unanimous approval to what is called the home-front mobilization bill.

For all practical purposes, this is the bill which President Truman asked for. Among other things, it authorizes him, whenever he may consider that the time is ripe, to take any or all of the following steps:

1. Set up wage and price controls.
2. Provide a system of rationing.
3. Establish machinery for settling labor disputes.
4. Devise a system of allocations and priorities for handling critical materials.

Obviously this plan would give the President the authority of a dictator over the American economy. For the duration of the emergency (which is anybody's guess) one man would carry vast and arbitarary powers under his hat.

Why is such a step necessary? Why should Congress delegate instead of legislate?

We don't know. Congress isn't going any place. If the world crisis grows increasingly severe, it will be in session or on quick call from now on. It will be in position to pass any important bill within the scope of 2 or 3 days—which certainly is fast enough for a bill dealing with economic matters.

Politically, of course, the bill as now phrased has considerable appeal—especially to Congressmen who are running for reelection. No matter what might happen or fail to happen, they would be able to say: That's the President's fault. We gave him the authority he asked for, and look what he's done with it.

Mr. Truman himself appears to have no qualms. He seems convinced that he will be able to handle the powers conferred on him in this bill to the satisfaction of the pressure groups which have supported him in the past.

And he may be right. Which is another reason why Congres should reflect long and earnestly before it delegates those powers to him.

In one other important respect the Congress, thus far, has completely abdicated its responsibility.

When the Korean war broke out some 6 weeks ago, the national budget already was about $5,000,000,000 out of balance. Since that time President Truman has asked for extra appropriations of $16,500,000,000, and Senator BYRD, of Virginia, predicts that huge new requests are in the works.

So despite the higher tax rates (which so far are only talk) and higher tax collections (as a result of war activity) a huge deficit is in prospect for the coming year. It may run anywhere from $10,000,000,000 up, depending on the size of the extra military appropriations yet to come.

In the face of a deficit of that size, no power on earth could prevent inflation. Only the tightest controls could temporarily, maybe, restrain the effects of inflation.

Yet hardly anybody in Congress pays much heed.

A week ago Senator BYRD offered a plan for cutting $10,000,000,000 out of nonmilitary spending. That plus an adequate tax increase would have put the rearmament program on a pay-as-you-go basis. It was the only realistic anti-inflation measure yet proposed. But it fell with a dull thud.

Nobody can see ahead to the end of this cold-hot war. But of this much the American people can be certain:

It will be a tough war against resolute opponents, and if it is to be won by our side it will be won by responsible men who, at home

he devoted himself to harmonizing industry and agriculture. His name and ideas are stamped on civic undertakings of the three subsequent decades—projects like the National Transportation Committee plan of 1933, the rubber-defense program of 1939, the manpower shortage relief plan, a medical research foundation to aid thousands of handicapped peoples, and the atomic-energy plan which formed the basis of the United States proposals to the UN Atomic Energy Commission.

If some geriatrician were looking for the perfect specimen of vigorous old age, he would be hard-pressed to find one better than Mr. Baruch. He is a handsome man, his white hair standing out in contrast to his pink, kinetic face. He is tall and straight, and his physical ease is especially noticeable; he seems to be moving around incessantly, with the graceful fluid stride of one who genuinely enjoys activity.

Mr. Baruch sums up his habits in a playful way: "It's a habit of mine to break habits. I like to make the area of contact with all phases of life as large as possible; to spread out in many directions, mentally, sympathetically, and to penetrate deeply in some, or at least in one. I have no rules, except a belief in the unswerving regularity of irregularity. I gave up smoking when I was 64 simply because it didn't agree with me any more. I take a cold bath every morning. I've cut down on my drinking, and today take very little except an occasional toast or congratulatory highball, because it doesn't agree with me.

"But there just aren't any rules. That's because old age is not inevitable. Although what we call the year-period, that is, the years' succession, may be advanced, old age is a state of mind that often happens to the middle-aged and sometimes to the old."

Mr. Baruch does admit to a couple of habits, but he deplores them. The more vexing of these is sleep. He agrees with Oscar Wilde, a contemporary of his who died some 50 years ago, that "no civilized man should ever go to bed the same day that he arises."

"Generally I'm a late stayer-upper, but sometimes I go to bed early just to start coping with the problem of going to sleep. If you've got a problem you might as well face it. And going to sleep is mine."

Eating is another habit for which he chides himself mildly, but not without a certain pride. "I'm always hungry. I eat like a young boy. Certainly I've been on diets, but that was when I had gout. A man should learn self-control. I never have."

He feels that he has learned other valuable practices, however, which may compensate for this deficiency.

"Men often don't pace themselves well," he observes. "They drive too hard toward breakdowns, toward the wear and tear of their tissues, and then, suddenly, they drop. Mind you, again, there's no rule, not even here. Some men might do their best this way. But the idea of frequent short vacations is a good one. Only if it suits—never if it doesn't.

"Of course, I don't mean week-enders. They wear themselves out. I'd rather stay in New York week ends. I go down to my farm in South Carolina, mostly in winter, from Thanksgiving to the 1st of March. There I'll go shooting wild birds up to the limit that the law will allow. You know, I can still sit in the saddle for from 2 to 4 hours and follow the dogs. But that's because I like it—not because I think it's healthy. The minute I stop liking it, I'll stop it."

Mr. Baruch looks upon all the aged in the world as his friends and contemporaries and has made their problems one of his chief concerns. He has been busy of late helping revaluate the potentialities of the Nation's oldsters toward insuring their useful participation in the life of the community. With noted gerontologists and with the Federal Security Agency of the Government, he has sought to define the nature and extent of the old-age problem and to seek their solution.

"The economic problem of the aged," Mr. Baruch points out, "is increasing. Down through the ages, there have been every kind of pills, theories, treatments, to avoid old age. The old-age fight is as old as the history of man. The ancient Greeks believed in rejuvenation by waters. I read just recently how the wealthy of the Middle Ages thought that pure gold was the greatest kind of rejuvenator, and rich men would swallow a few ounces a day.

"In our country and in our time, we don't need these weird ideas. Science and American organization have easily added 20 years to man's life expectancy. Today, any man can look forward to 20 more years of physical vigor than he could two generations ago.

"As I see it, there are two major issues to be faced. First, we must throw out our depression-born philosophy of forcing older workers out of jobs just because they are old. Broadly speaking, it is unwise to judge a man by his years, when his faculties are as keen as those of younger men. We are creating a vast human waste material here, with some tragic portent. And second, we must check all forms of inflation, because if we don't our plans for old-age benefits, private annuities, and even savings, will be useless when the time comes to use them.

"Any form of so-called economy that saps the value of pension money, savings, or annuities is the enemy of those who expect to grow old. And this includes just about everybody, doesn't it?

"And last, but most of all, we must remember never to become too statistical where human beings are concerned. The problem of what to do about the aged is primarily one of recognizing them first as individual human beings, full of fears, hopes, despairs, and appetities. We can't regulate them according to meters. Our problem now is to make industry understand them, and absorb them, for we are definitely entering upon an era of a new kind of old age."

The greatest contributing factor to the increased lifespan of the average American of today, Mr. Baruch feels, is private enterprise.

"A man who is free can mold his life, just as a nation that is free can mold its life—even control, to an extent, the building forces of his body and brain just as we can today control great forces of nature in electronics, dynamics, and atomic energy."

State Tidelands

EXTENSION OF REMARKS

OF

HON. ALLEN J. ELLENDER

OF LOUISIANA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 15 (legislative day of Thursday, July 20), 1950

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD a memorandum by District Attorney L. H. Perez, of Plaquemines Parish, La., appearing for the State of Lousiana, as special representative for the Attorney General of Louisiana, before the Senate Committee on Interior and Insular Affairs in opposition to Senate Joint Resolution 195, dealing with State tidelands, on August 14, 1950.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

Senate Joint Resolution 195 by Senator O'MAHONEY would complete the nationalization of the State tidelands by giving to the Secretary of the Interior full control and power over all operations for oil and other mineral production in offshore submerged lands in all coastal States of the Union.

ALL POWER TO SECRETARY

By the provisions of this resolution the Secretary of the Interior would be substituted for all the coastal States in the control and power over development of the tidelands for mineral purposes. For a period of 3 years he would be authorized to grant mineral leases for a term of 5 years, or as long thereafter as oil or other minerals may be produced from the area in paying quantities.

All revenues collected by the Secretary under existing State leases, or under leases issued by him under authority of this resolution, would be deposited in a special fund in the United States Treasury pending legislation by Congress respecting their disposition—which could be ordinary appropriations of Congress—and not legislation regarding the ownership of tidelands and their resources.

The Secretary of the Interior would be authorized to issue such regulations as he may deem necessary or advisable in performing his functions under this resolution—a blanket authority for the Secretary to issue regulations which would have the effect of administrative law, without enactment by Congress, and in substitution for all State laws and authority regarding the development of their natural resources in State tidelands, including all coastal submerged lands and waters within their boundaries.

The resolution affords no relief to inland States by providing that the United States is not claiming (as of now) their water bottoms, without a quitclaim or recognition of their proprietorship.

STATE SOVEREIGNTY DESTROYED

The States, with respect to their ancient and historic ownership of their own tidelands would be reduced to the status of puppets of a domineering, grasping, imperialistic Federal Government, with the Secretary of the Interior placed in the position of absolute czar of their erstwhile sovereignty lands which the States have always held for the benefit of their people in their united sovereignty.

This resolution would effectively destroy sovereignty of State governments over their public properties, which they have owned and operated by regulation of their State legislatures since the Declaration of Independence on July 4, 1776, the provisional Treaty of Independence between the Original States, through the Congress of the Confederation and the British Crown, on November 30, 1782, and the final ratification thereof with the British Crown, on April 11, 1783, by which the British Crown relinquished to the Original Thirteen States, by name, as free, sovereign and independent States, "proprietary and territorial rights of the same, and every part thereof" and fixed the boundaries of the Original States into the sea, "comprehending all islands within 20 leagues of any part of the shores of the United States."

STATE OWNERSHIP SECURED BY TREATY

The right of State proprietorship of their tidelands, as a result of the Declaration of Independence and the Treaty of Independence which was wrung from the British Crown at the expense of incalculable sufferings and hardships and the shedding of the blood of our patriotic forefathers, has been adjudicated upon time and again by the highest court of the land.

In the interim between the Declaration of Independence in 1776, the Treaty of Independence in 1783 and the adoption of the United States Constitution by the people of the Original States in 1789, a Federal Government was set up under Articles of Confederation, article IX of which provided that—

"No State shall be deprived of territory for the benefit of the United States."

In the first recorded decision by the United States Supreme Court in 1827, *Harcourt* v. *Gaillord* (12 Wheat. 523), the United States Supreme Court held:

"There was no territory within the United States that was claimed in any other right than that of some one of the Confederate States; therefore, there could be no acquisition of territory made by the United States distinct from, or independent of some one of the States."

The sanctity of that Treaty of Independence with the British Crown was written into the United States Constitution, under article VI, clause 2, which provides—

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

In this connection, it should be pointed out that on Saturday, August 25, 1787, on motion of Mr. Madison, made in the Convention, article VIII (later made article VI by the Committee on Style and Revision) was reconsidered and after the words "all treaties made" were inserted the words "or which shall be made," with the explanatory statement that, "This insertion was meant to obviate all doubt concerning the force of treaties preexisting, by making the words 'all treaties made' to refer to them, as the words concerned would refer to future treaties." (69th Cong., 1st sess., H. Doc. No. 398, p. 618.)

So it is, that the 1783 treaty of the Revolution by which the British Crown relinquished to the Original States all "proprietary and territorial rights" of the British Crown became, and is now, the supreme law of the land.

OFFICERS SWORN TO UPHOLD TREATY

The same article VI of the Constitution requires all Members of Congress, and State legislatures, and all executive and judicial officers, both of the United States and of the several States to support this Constitution, which makes said treaty the supreme law of the land.

If the plain provisions of the Declaration of Independence and the 1783 treaty with the British Crown require interpretation, the decisions of the United States Supreme Court furnish ample authority for the proprietary rights acquired by the Original States in all of the submerged lands within their boundaries.

STATE PROPRIETORSHIP, LAW

Over a hundred years ago this question of the right and title of the Original States to their submerged lands was passed upon by the United States Supreme Court.

In the case of *Martin* v. *Waddell,* reported in 16 Peters (41 U. S.) 367, decided in 1842, where the question of the ownership of submerged coastal waters in New Jersey was at issue, the Court held:

"When the Revolution took place the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters and the soils under them for their own use, subject only to the rights since surrendered by the Constitution to the General Government."

The Court then cited approvingly a statement by Lord Hale in his treatise de jure maris, when speaking of the navigable waters, and the sea on the coasts within the jurisdiction of the British Crown, that the King is the owner of this great coast. The Court further stated that the lands under these waters were held by the King as a public trust for the benefit of the whole community, and that this dominion and propriety was an incident to the regal authority, and was held by him as a prerogative right, associated with the powers of government; and that when the people of New Jersey took possession of the reins of government, and took into their own hands the power of sovereignty, the prerogatives and regalities which before belonged either to the Crown or the Parliament became immediately and rightfully vested in the State.

The Court followed that decision consistently in holding that New Jersey, Maryland, Massachusetts, Delaware, New York, and other original coastal States on the Atlantic Ocean and Great Lakes had title to their navigable waters and soils under them.

The Court, in *Shively* v. *Bowlby* (152 U. S. 1 (1893)), held:

"At common law the title and the dominion in lands flowed by the tide were in the King for the benefit of the nation. Upon the settlement of the Colonies like rights passed to the grantees in the royal charters, in trust for the communities to be established. Upon the American Revolution these rights, charged with a like trust, were vested in the Original States, within their respective borders, subject to the rights surrendered by the Constitution to the United States.

TIDELANDS NOT GRANTED TO UNITED STATES

Again, in *Memford* v. *Wardwell* (6 Wall. 423, 436 (1867)), the United States Supreme Court reaffirmed that settled jurisprudence of our country when it again held:

"Settled rule of law in this Court is, that the shores of navigable waters and the soils under the same in the Original States were not granted by the Constitution to the United States, but were reserved to the several States and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the Original States possess within their respective borders.

"When the Revolution took place the people of each State became themselves sovereign and in that character held the absolute right to their navigable waters and the soils under them, subject only to the rights since surrendered by the Constitution."

And as to the sovereignty rights over their tidelands and waters and their resources, the United States Supreme Court consistently has held that States since admitted on an equal footing with the Original States have the same sovereignty rights and proprietorship as the Original States.

In *Pollard* v. *Hagen* ((1845) 3 How. 212, p. 230), the United States Supreme Court held:

"By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States but were reserved to the States respectively; Secondly, the new States have the same rights, sovereignty, and jurisdiction over this subject as the Original States."

These positive decisions were reaffirmed scores of times by the Court, as witness again in the case of *I. C. Railroad* v. *State of Illinois* ((1892) 146 U. S., p. 43):

PROPERTY SUBJECT TO PARAMOUNT RIGHT OF UNITED STATES

"It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters, within the limits of the several States, belong to the respective States within which they are found with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has been often announced by this Court, and is not questioned by counsel of any of the parties. (*Pollard* v. *Hagan* (44 U. S., 3 How. 212 (11: 565); *Weber* v. *Board of State Harbor Comrs.* (85 U. S., 18 Wall. 57 (21: 798).)

SAME RULE FOR GREAT LAKES

"The same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes over which is conducted an extended commerce with different States and foreign nations. These lakes possess all the general characteristics of open seas, except in the freshness of their waters, and in the absence of the ebb and flow of the tide. In other respects they are inland seas, and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State of lands covered by tidewaters that is not equally applicable to its ownership of and dominion and sovereignty over lands covered by the fresh waters of these lakes."

PARAMOUNT POWER OVER TIDELANDS

And, again, in *Scott* v. *Lattig* (1913) (227 U. S. 229, 242–243), as follows:

"* * * Besides, it was settled long ago by this Court, upon a consideration of the relative rights and powers of the Federal and State Governments under the Constitution, that lands underlying navigable waters within the several States belong to the respective States in virtue of their sovereignty and may be used and disposed of as they may direct, subject always to the rights of the public in such waters and to the paramount power of Congress to control their navigation so far as may be necessary for the regulation of commerce among the States and with foreign nations, and that each new State, upon its admission to the Union, becomes endowed with the same rights and powers in this regard as the older ones. (*County of Ct. Clair* v. *Lovington* (23 Wall. 46, 68); *Barney* v. *Keokuk* (94 U. S. 324, 338); *I. C. R. R. Co.* v. *Illinois* (146 U. S. 338, 434–437); *Shively* v. *Bowlby* (152 U. S. 1, 48–50, 48); *McGilvra* v. *Ross* (215 U. S. 70).)"

At least 50 other cases could be cited and quoted affirming and reaffirming the same doctrine and the same settled jurisprudence of State ownership of its tidelands.

PARAMOUNT POWER OVER PRIVATE LANDS, TOO

The United States Supreme Court held and reaffirmed that, the same Constitutional paramount powers of the Federal Government apply to privately owned property, as, for instance, the Federal power of eminent domain over lands needed by the United States for governmental or defense purposes. (*Kohl* v. *U. S.* (91 U. S. 367, 23 L. ed. 49); *Chappell* v. *U. S.* (160 U. S. 499, 40 L. ed. 510, 16 S. Ct. 397).)

Even further back, in 1819, Chief Justice Marshall, in *McCulloch* v. *Maryland* (4 Wheat., at 403), held for the Court:

"If any one proposition could command the universal assent of mankind, we might expect it would be this—that the Government of the Union, though limited in its powers, is supreme within its sphere of action."

POWER NOT CONFISCATORY

However, in spite of the supremacy, the dominance and paramount character of the regulatory powers of the United States, construed within its delegated constitutional powers as far back as 1819, the same United States Supreme Court has held consistently for over 100 years that when the Revolution took place the people of each State became themselves sovereign and in that character hold the absolute right to all their navigable

waters and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution to the general government. And therefore, the Original States succeeded to the proprietary rights of the British Crown by the Declaration of Independence, confirmed by relinquishment of such proprietary and territorial rights in the 1783 treaty, which was made the supreme law of the land by article VI of the Constitution, and all States since admitted in the Union on an equal footing with the Original States, have the same proprietary and territorial rights to the beds of all submerged lands and tidewaters within the boundaries.

We repeat that the United States Supreme Court has consistently held that under the Declaration of Independence, under the Treaty of Independence with the British Crown, under the Articles of Confederation and under the Constitution of the United States, not only the Original States, but every State since admitted on an equal footing with the Original States, have ownership and title of all submerged lands and waters and their resources, including all tidelands within their boundaries, and that the States only granted to the United States Government regulatory powers necessary for the regulation of commerce with foreign nations and among the States, which constitutional authority in the United States is the same over the inland navigable waters within each and every State of the Union.

This consistency recently was violated by the United States Supreme Court in the California decision in 1947 and, later, by the application of that same tideland grab ideology in the opinions rendered in the Louisiana and Texas cases in June 1950.

CANNOT ADOPT FOREIGN IDEOLOGY

The question for Congress to decide now is whether the foreign ideology adopted by the United States Supreme Court in these later three cases can be adopted as a national policy by the United States Congress.

Is it in the national interest, or is it conducive to rational international relations for the Congress of the United States to be importuned by Senate Joint Resolution 195 to ratify the foreign ideology adopted by the United States Supreme Court recently in the California, Louisiana and Texas cases, that the sovereignty of the States can be destroyed with impunity, that their public properties held in trust for their people in their united sovereignty can be destroyed, and their properties confiscated on the unconscionable pretense that the United States Government owes the responsibility of national defense, and such paramount power and dominion transcends those of a mere property owner, and by virtue of such paramount power, the United States has the right to appropriate the public property of the sovereign States, and to determine by what agencies, foreign or domestic, the oil and the other resources of the soil of the marginal sea may be exploited?

Can Congress adopt this foreign, grasping, imperialistic ideology as held by the Supreme Court, in its relations with the sovereign States of the Union, without damning its offer of defense, through the United Nations to other weaker sovereign states against communistic aggression?

Bear in mind that the Court refused to hold that the United States had proprietorship, or title, in the California case, and that the Court held that title was not an issue in the cases against Louisiana and Texas, but that the paramount power and dominion of the United States Government transcended bare legal title and entitled the United States to take and control the taking of mineral resources from the State tidelands.

This pronouncement of such un-American ideology for the destruction of the sovereignty of our States is indeed frightful to the weaker sovereign nations of the world who are tendered protection and defense either through the liberality of the United States Government under its present administration or through the United Nations, with paramount power furnished by the United States, under its policy of international defense against aggressor nations.

SUPREME COURT DECREES UNITED STATES AGGRESSOR

But, here, who is the aggressor against the sovereignty and public property rights of our States, with an implication that the same destructive force of paramount power and dominion will extend to the destruction of private property rights?

No exception is made by the United States Supreme Court in its California, Louisiana, and Texas decisions that the paramount power and dominion of the Federal Government transcends those of a mere property owner who has only "bare legal title," without the paramount power to protect his possession thereof.

Certainly, the Congress of the United States cannot vote to adopt Senate Joint Resolution 195 and, by implication, adopt the foreign ideology of appropriation of property, or its confiscation, because of the exercise of paramount power and dominion of the Federal Government, or any government, without ratifying the aggressive, confiscatory acts and policy of the Kremlin.

The issue here far transcends the tideland grab or the power grab by some departments of the Federal Government.

Senate Joint Resolution No. 195, coupled with the Supreme Court decisions in the California, Louisiana, and Texas cases, are merely invitations to Congress to adopt a policy of appropriation and confiscation wherever the paramount power and dominion and the force of arms of the United States are used, supposedly for the protection and defense either of the States of the Union or the citizens thereof, or any other sovereign state or nation which accepts the protection and defense of its might and power.

To our shame, the Korean war situation is being used to liquidate our State sovereignty, and to put the clincher on the Federal tideland grab.

Congress certainly will support the Constitution of the United States and the supreme law of the land, the Treaty of Independence, and the rights of the States and its citizens flowing therefrom as the Members of Congress are sworn to do, and Congress will repudiate the suggestion of adopting a policy of appropriation and confiscation of property as a result of the use of this country's paramount power and dominion for national or international defense and, therefore, Congress must reject Senate Joint Resolution 195.

The Prayers-for-Peace Movement

EXTENSION OF REMARKS

OF

HON. HOMER FERGUSON

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, August 15 (legislative day of Thursday, July 20), 1950

Mr. FERGUSON. Mr. President, as the sponsor of Public Law 74, which calls upon the President to proclaim each Memorial Day as a Nation-wide day of prayer for peace, I am pleased to pay my respects to Mr. Hervé L'Heureux, who is doing splendid work in furthering the prayers-for-peace movement which he has sponsored.

As Members of the Senate know, Mr. L'Heureux is one of our finest Government career men, presently head of the State Department's Visa Division. He is one of the founders of the American Legion, and a wounded veteran of World War I. For the past 2 years he has been devoting himself to the prayers-for-peace movement in order that America might prepare itself spiritually as well as materially for the ordeal of these times.

Since this was the same premise which moved me to introduce the resolution to designate Memorial Day as a day of prayer for peace I am, as I say, most pleased to compliment Mr. L'Heureux on his fine work.

I ask unanimous consent that an article by Mr. L'Heureux entitled "Prayers for Peace" which was published in the magazine the Gold Star for May 1950, be printed in the Appendix of the RECORD.

I also ask unanimous consent that excerpts from an address delivered by Mr. L'Heureux on July 19 to members of the United Action Committee for Expellees and of the Volksverein of Philadelphia be printed in the Appendix of the RECORD.

There being no objection, the article and address were ordered to be printed in the RECORD, as follows:

[From the Gold Star of May 1950]

PRAYERS FOR PEACE

(By Hervé J. L'Heureux)

My message is simple: Prayer, a minimum of 1 minute of prayer, daily, at noon, by every man, woman, and child in the United States, each in his own way, each according to his own faith, to seek divine guidance and assistance in securing world peace.

The original prayers-for-peace resolution, adopted at Manchester, N. H., October 28, 1948, is simple and self-explanatory. Here it is:

"Having complete confidence in the ability of our fellow men, with the aid of Almighty God, to establish a just and enduring peace in the world.

"We, the members of the Last Man's Club, William H. Jutras Post, No. 43, American Legion, do hereby unanimously resolve to pause for 1 minute in the midst of our daily task, at 12 o'clock noon each day, and raising our heart and mind toward God, ask Him to help us adjust our international differences to enable the nations of the world to secure an equitable and abiding peace; further

"We urge that this movement be endorsed by all the spiritual, civic, and business leaders in the United States, and that a similar resolution be adopted and implemented by every organization in our country to the end that this custom may become universal in effect."

Those of us who initiated this movement were actuated by a conviction that each and every person, regardless of his station in life, or his religious belief, can assist materially, through daily prayer, in achieving the peace which all of us desire so ardently. It was thought that a pause, in the midst of our daily work, at 12 o'clock noon, is an appropriate time to marshal the spiritual force of our Nation for peace, with the hope that such a custom might become universal in effect. The establishment of this practice generally would not only be a national acknowledgment of our dependency upon God, but it might also be a source of inspiration and encouragement to the masses of unfortunate people throughout the world who look

that, if it does pass, it will be vetoed by President Truman.

This resolution does not, in express terms, direct that Indian rights be thrown into the ash can. As a matter of fact, no bill, the effect of which would be to despoil the Indians, has ever expressly said so. From times immemorial, bills to make the Indians an easy prey to white cupidity have all been defended in terms of "liberation," "assimilation into the general population," etc. If Mrs. BOSONE and those Representatives and Senators, who fell so easily into the trap into which the Indians themselves are expected later to fall, had studied prior Indian legislation, they would have been chary about letting someone else do their thinking for them and lending their support to a measure, which, if adopted, may turn out to be as notorious in its effects as the Bursum-Fall bill of two or more decades ago.

The Bosone bill would adopt a Federal policy to breach contracts, to terminate present Federal protections and services, and undo all that the Indian Reorganization Act of 1934, passed with the keen approval of President Roosevelt, has made it possible for the Indians to accomplish for themselves. This bill is aimed at whole tribes, not merely at individual Indians. It is a mandate to the Secretary of the Interior to determine, as quickly as possible, that the Indian wards of the Government no longer need protection. It has been suggested that it can all be done within a year.

The effect on the Indians would not be dissimilar to the effect on members of trade unions, if the Congress should enact a law declaring that the members of a union might no longer have the protection that is theirs as the result of united effort and united action. Moreover, this bill contains a unique and particularly sadistic provision. Up to $250,000 are to be taken out of the already inadequate appropriations for the education, health, etc., of the Indians to finance the engine of their economic destruction. Could devilish and sardonic humor go further? Of course, $250,000 to be expended by the Office of Indian Affairs, at its own sweet will, would mean more jobs. Apparently, trained and experienced personnel from the Indian Bureau would not be employed, but outsiders, many of whom would probably lack interest in, or sympathy for, these first Americans. Money could even be spent to subsidize so-called welfare organizations and even religious and pseudo-scientific groups, to report as the Indian Bureau might wish them to report. I have had faith in Indian Commissioner Dillon Myer, but it has been somewhat shaken by the fact that he has supported this legislation. I hesitate to believe that he understands what could be done under this legislation.

These $250,000 should be devoted to health and education, for the benefit of the Indians themselves. Instead of being spent for the Indians, they are to be dissipated in paying for formulae that on their face would seem to justify the further exploitation of the Indians. By the terms of the resolution, the Secretary is required to specify, not later than January 3 next, "which tribes, bands, and groups of Indians are, in his opinion, qualified to be relieved by all supervision and control by the Federal Government in the management of their affairs." The resolution further imposes upon him the duty of reviewing "not later than the first day of the second regular session of the Eighty-second Congress * * * programs undertaken by the Department" to denude of Federal protection, the tribes that had been given the "bum's rush" on the preceding January 3.

Once the Bosone resolution becomes the law, its language, and not the benevolent intent expressed by Secretary Chapman in his letter to Chairman Peterson, will determine the fate of the Indians. Furthermore, Secretary Chapman's intent would in no way control his successor. His wishful thinking would in no way alter the fact that the Bosone resolution would open wide the gate, that now protects our Indian wards, to the two-legged predator who has traveled that familiar road in the past. Even Secretary Chapman seems to have forgotten the history of legislative efforts in the past, some of which have been all to successful, to denude the Indians of their property. His indorsement of the Bosone resolution is in contradistinction to his adverse report on S. 2726 which boldly and directly proposed to do what could be done just as easily, if less abruptly and more smoothly, under the Bosone resolution.

Title to Submerged Lands Beneath Navigable Waters

EXTENSION OF REMARKS

OF

HON. HERBERT R. O'CONOR

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, September 21 (legislative day of Thursday, July 20), 1950

Mr. O'CONOR. Mr. President, the State of Maryland consistently has taken the position, through its duly elected officials, that submerged lands beneath navigable waters within the boundaries of the several States belong to the States in question. Those officials have supported legislation which would confirm and establish the titles of the States to such lands.

At a hearing on the matter by the Committee on Interior and Insular Affairs of the United States Senate, a statement outlining the position of the National Association of Attorneys General on the matter was presented by Mr. Hall Hammond, attorney general of Maryland, and chairman of the submerged lands committee of the National Association of Attorneys General.

Because of the paramount interest of this controversy to the State of Maryland, and to the many other States of the country, I ask unanimous consent, on behalf of my colleague [Mr. TYDINGS] and myself, that the statement be inserted in the Appendix of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I am Hall Hammond, attorney general of the State of Maryland, and I appear here in behalf of my State and as chairman of the submerged lands committee of the National Association of Attorneys General.

You are aware that we believe in and are committed to a program which would confirm and establish the titles of the States to lands beneath navigable waters within State boundaries, but as Senator O'MAHONEY has stated it seems to be quite impossible that any permanent legislation along these lines could be enacted at this session.

Therefore I confine my remarks to Senate Joint Resolution 195 relating to the interim operation and development of oil deposits in the submerged lands off the shores of the United States.

Senator O'MAHONEY, chairman of the committee, introducer of the measure, says "the resolution does not attempt to settle any controversial issue" and "failure to enact interim legislation of some kind would precipitate very serious confusion at a time when the country can ill afford it."

At the outset let me say that I would favor a bill for interim operations provided it did not give any of the parties an advantage and the status quo is maintained.

Recently this committee has considered legislation giving statehood to Alaska and Hawaii and in your reports which recommend favorable action, we find the following (quotes taken from Rept. No. 1929):

In a letter dated May 5, 1950, written by President Harry S. Truman, he says in part:

"It should not be forgotten that most of our present States achieved statehood at a relatively early period of their development. The stimulus of being admitted as full partners in the Union, and the challenge of managing their own affairs were among the most significant factors contributing to their growth and progress. Very few of our existing States, at the time of their admission to the Union, possessed potential resources, both human and natural, superior to those of Alaska and Hawaii. I am confident that Alaska and Hawaii, like our present States, will grow with statehood and because of statehood" (p. 9).

The Secretary of Defense, Louis Johnson, in a letter to you said:

"You asked in your letter of March 30 as to whether from the point of view of national defense, it would be advantageous to extend statehood to Alaska and Hawaii, and you inquired specifically as to whether statehood would give greater strength to our military position in those areas than does the present territorial type of local government. It is obvious that the more stable a local government can be, the more successful would be the control and defense of the area in case of sudden attack. There can be no question but that in the event of an attack any State would be immensely aided in the initial stages of the emergency by the effective use of the State and local instrumentalities of law and order. By the same token it would seem to me that, as persons in a position to assist the Federal garrisons which might exist in Hawaii or Alaska, the locally elected governors, sheriffs, and the locally selected constabulary and civil defense units all would be of tremendous value in cases of sudden peril. Therefore, my answer to your question is that statehood for Alaska and Hawaii would undoubtedly give a considerable added measure of strength to the over-all defense of both areas in event of emergency" (p. 15).

The Secretary of the Interior, Oscar Chapman, in his appearance before the committee stated:

"The United States has spoken out loudly and firmly against colonialism in world councils, but surely to require a people qualified for the ultimate in self-government to continue in a dependent status is to foster colonialism" (p. 5).

He stated further:

"Statehood would permit Alaska to foster and protect the development of the natural riches. Most important of all, statehood would give Alaska's people their rightful voice in the Federal Government, as well as in the management of their own affairs" (pp. 14 and 15.)

The committee report in speaking of national resources has this to say:

"Economic development: In addition to the advantages to national security and the furtherance of America's leadership in world affairs, statehood for Alaska is desirable for America's peactime development and economic expansion. The region has the greatest reserves of untapped raw materials—minerals, forest and sea products—under the American flag. * * *

"Alaska's gold and furs have been glamorized by Jack London, Rudyard Kipling, Robert W. Service, and other writers, but the Territory has far more valuable resources in

her iron ore, coal, copper, lead and zinc, and even tin. * * *

"All of the foregoing is merely a sketch of some of the high lights of Alaska's industrial and agricultural potentialities. If the historic patterns established in the admission of each of the 35 States is followed in Alaska—and the committee can perceive of no valid reason why it should not be—statehood for Alaska should supply the needed stimulus for enterprise and private capital to make that area of vast riches one of the strongest segments of the American economy of tomorrow" (pp. 5 and 6).

Do the foregoing expressions have any significance?

They speak of "the stimulus of being admitted as full partners in the Union, and the challenge of managing their own affairs, the growth because of statehood."

They say, "It is obvious that the more stable a local government can be, the more successful would be the control and defense of the area in case of sudden attack."

They say that "to require a people qualified for the ultimate in self-government to continue in a dependent status is to foster colonialism."

You speak of the "advantages of development of the natural resources by the people of the States."

And then what would you be saying to the people of the States who from the beginning have been in possession of and considered the owners of the lands involved, and who have developed the production of the natural resources therein, if you pass a measure embodying the provisions of Senate Joint Resolution 195 in its present form?

You say to those people, "you are incompetent and no longer fit or qualified to manage your own affairs, and from the standpoint of a stable local government and in the interest of the national defense, it is necessary for us to appoint a guardian to protect you."

Anyone who believes in the Communist method of confiscating and nationalizing all natural resources might say that to the people of this country but I cannot believe that the members of this committee would take such a position.

I believe you recognize from the facts that have been presented to you that the appointment of the Secretary of the Interior as a so-called receiver, or should we say guardian, will cause more confusion and definitely retard the operation and development of the lands involved.

Let us repeat what the National Petroleum Council named by the Secretary of the Interior to formulate a national oil policy for the United States had to say in its report last year:

"The petroleum resources of the lands beneath the marginal seas extending to the outer edge of the Continental Shelf can best be explored and developed under State, rather than Federal, control."

I think an examination of the record will convince any unbiased person that oil production under State control has been far more successful than similar operations by the Federal Government.

You have been advised as to the method employed in California during the past 3 years where operations have continued smoothly and without interruption. In my opinion, such a plan will work with the greatest degree of efficiency, with the minimum of cost, confusion, and delay. I hope Senator O'MAHONEY and the other members of this committee will recognize the merit of the plan and amend Senate Joint Resolution 195 accordingly.

It seems to me that it is more important in the interest of the Nation and national defense to have a stable local government carrying on the operations in an efficient manner with the least of confusion and cost rather than attempt to satisfy the lust for power of some Federal officers who would manage these lands.

The National Federation of Independent Business Is Doing a Great Job for Small Business in America

EXTENSION OF REMARKS

OF

HON. HAROLD C. HAGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1950

Mr. HAGEN. Mr. Speaker, small business in America is having a hard road these days. It is difficult for the average small-business man to compete with big business monopolies, trusts, and furthermore with Government regulations, red tape, bureaucratic delays, regimentation, and so forth.

Therefore, it is well that they have representing their interests and welfare several groups and organizations here in Washington. Many small-business men hold memberships in these groups and subscribe to their programs and, to a more or less degree, finance their activities.

One of the most active and most influential organizations carrying the banner and carrying on the struggle in behalf of small business is the National Federation of Independent Business. It has the largest individual membership of any organization in the United States. Their Washington office is in the Bond Building, Washington 5, D. C.

The organization has an advisory counsel which reports to the organization here in Washington, D. C., every month. This comprises 2,000 district chairmen reporting the opinions of the average small-business man on important issues and problems of the day. Through them, the organization keeps in touch with small business throughout the country. Then in turn, the organization officials can report the overall information to Members of Congress, Federal officials, public service organizations, educational groups and others.

Of interest to the readers of the CONGRESSIONAL RECORD and the general public is the enclosed letter dated September 21 which I have just received from Mr. George J. Burger, vice president. The letter follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Burlingame, Calif., September 21, 1950.

Hon. HAROLD HAGEN,
House Office Building,
Washington, D. C.

MY DEAR CONGRESSMAN HAGEN: I believe that your suggestion, solely as a matter of information and guidance to Members of Congress, should be carried out by spreading on the RECORD what independent business leadership is striving for to protect the people they represent—independent business of this Nation.

Too often there is confusion in the minds of many Members of Congress as to "who is who" in independent business leadership. So there should be no difficulty in acquainting the Members of Congress on this score.

The National Federation of Independent Business, headed by Mr. C. Wilson Harder, founder and president, a nonprofit corporation whose head office is located in Burlingame, Calif., with division offices throughout the United States, including a public-relations office, in charge of Mr. Ed Wimmer, in Cincinnati, Ohio, from the very first instance has ruled that the policies of the federation must be by the majority vote of its Nation-wide membership. This is carried out by the registered vote of the membership through the official publication of the federation, "The Mandate." No group of officers, nor any selected group of members determines the policy of the federation. We believe this is the only democratic way, and the safest way for any trade association to operate.

When major economic questions are involved, before any position is taken by the federation, it's the Nation-wide membership majority vote which determines the position.

We have found from experience in our many appearances before congressional committees, due to our active interest, that too often among trade associations has the opinion of only a few of their membership been the position taken by that organization, and the position being unknown to all the members.

In my official position as vice president in charge of the Washington office of the federation, every so often we are visited here by heads of Government agencies or called upon by Members of Congress to answer the question "How can you protect independent business at the local level?" This question is readily answered, and not merely through "lip service" but by direct and positive action, that if independent business is to get relief at the local level it must come about through all-out sincere, vigorous enforcement of the antitrust laws.

The federation's position was ably presented before the Joint Committee of the Economic Report July 14, 1947. Then again, before the House Small Business Committee November 17, 1948, and in its numerous appearances before Judiciary Committees of both the Senate and the House, holding to the original objective as the No. 1 objective—all-out vigorous enforcement of the antitrust laws.

The position of the federation was also ably presented, through the splendid cooperation of the respective chairman of the Republican and Democratic Platform Committees in their conventions in Philadelphia in the summer of 1948. To their credit, both of these committees extended to the spokesman for the federation the fullest possible time in oral presentation of the objectives of the federation, and it must be said for the chairmen of both committees that special, careful attention was given to the remarks of the federation, and particularly on their recommendations for an antitrust program. I think it is well to list the small-business blank which the federation presented to both committees:

1. Antitrust program.

2. Small Business Committees in the Congress, with special emphasis on the creation of these committees as permanent standing small business committees of the Congress, and in this respect our objective was gained in the splendid action of the Senate on February 20, 1950, when they voted the creation of the standing Committee on Small Business. It will be found from the record that the federation was the only small business organization sponsor of this resolution, and the only organization in getting this recognition from the United States Senate.

3. Government competition with private enterprise.

4. Small independent business representation.

5. Labor practices.

6. Government regulation of business.

It is interesting to note, and I quote from the statement made before the committees:

"I urge your favorable attention to, and action on, all of these suggestions, with special emphasis on the first two—without

THE LEAST EFFORT

The training period under the law is 12½ months. In England, it is 18 months. The first step in strengthening the military would involve the doubling the time of service. It has been rumored that the French Government would favor this measure. The Minister of National Defense flatly denied this.

IMPACT OF THE WAR IN INDOCHINA ON THE NATIONAL DEFENSE

We maintain 174,000 men overseas, 135,000 of whom are in Indochina. The latter are all volunteers. The war in Indochina deprives the French army of its best elements. Furthermore, the replacements draw a great number of career key units (cadres) from our metropolitan units. The key organization of the metropolitan forces and their training are in a state of disorganization.

The growing of the active forces in Indochina has resulted in a reduction in the active forces in the other territories. In Madagascar they will be cut in half within 2 years, the A. O. F. (East African Corps) by 20 percent.

As to the four hundred and twenty billions in budgetary credits, one hundred and forty billions are absorbed by overseas France, 85 percent of which are reserved for Indochina.

It might be emphasized that France has been able to find 135,000 volunteers for the fight in Indochina. That is a remarkable result. And yet, the moral isolation of those fighting soldiers is deplorable. Insulted by the Communists, suspected by the Socialists, in no way protected by the government forgotten by the nation, their sacrifice is great. Every year there is a starlight county fair for the second D. B. (Armored Division) who have certainly deserved this (expression of appreciation) for their country. But what is done for the soldiers of Indochina?

MISERABLE PAY

The army pay is the same as in 1939. A soldier's pay is 6 francs per day, plus a tobacco allowance which, in effect, raises the pay to 12 francs per day. In grade 1 (an officer's) candidate with more than 5 years of service gets close to 17,000 francs a month; a sergeant, 11,000 francs. These figures speak for themselves.

THE ACME OF ANARCHY

"We have come to know, successively, a combination of the Minister of the Armed Forces and Minister of Armament. Then we have come to know a Minister of National Defense with an Undersecretary of State for (War) Matériel. Then we have come to know a Minister of National Defense with two Secretaries of State" (statement of a deputy of the majority).

CONDEMNATION OF A SYSTEM

"Experience has taught me that in spite of all the good will of the chiefs of government, for them the task of national defense is not the first order of business" (statement of a deputy of the majority).

AN ELECTION SLOGAN

Everyone repeats it in the assembly, in the press, in the streets: "The financial situation does not permit us to do more in military matters." Mr. Truman also said it on the eve of the Communist aggression in Korea. This did not prevent him from increasing his military budget by 75 percent 2 weeks later. It is not the budget which must dominate the national defense, but the national defense must dominate the budget.

THE ASSEMBLY HAS OTHER THINGS TO THINK ABOUT

"I believe that there is something dramatic in the present circumstances in seeing the national defense budget discussed before a so poorly equipped parliamentary assembly" (statement of a deputy of the majority).

Excess-Profits-Tax Hearing

EXTENSION OF REMARKS

OF

HON. DANIEL A. REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1950

Mr. REED of New York. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following notice of public hearing of the House Ways and Means Committee to consider excess-profits-tax legislation released to the press by Chairman ROBERT DOUGHTON, is inserted in the Appendix of the RECORD:

Chairman DOUGHTON, of the House Committee on Ways and Means, announced today that the committee has scheduled public hearings on an excess-profits tax to begin Wednesday, November 15, 1950, and that the time for receipt of applications to be heard will terminate with the close of business on Friday, November 1.

Meanwhile, in compliance with the directive of the Congress and in order to have an excess-profits-tax bill ready for consideration by the House when it reconvenes on November 27, Chairman DOUGHTON stated that the staff of the Joint Committee on Internal Revenue Taxation will, within the next week or so, begin a series of conferences with the staff of the Treasury Department. It is contemplated that these conferences may result in the preparation of a report on excess-profits-tax proposals for submission to the committee which may then be used as a basis for testimony before the committee.

Witnesses desiring to be heard should address their application to the clerk, Committee on Ways and Means, room 1102, New House Office Building, Washington, D. C., in time to be received by November 1. Chairman DOUGHTON said, "The committee desires that, whenever possible, a single spokesman be designated to appear for an industry group in order to expedite the hearings."

The Tidelands Issue

EXTENSION OF REMARKS

OF

HON. CLARK W. THOMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 23, 1950

Mr. THOMPSON. Mr. Speaker, I have today received a resolution from the Freeport, Tex., Lions Club addressed to the Congress of the United States of America. It reflects a widespread feeling concerning the title to the Texas tidelands—a feeling with which I am in entire accord.

I hope that Members of Congress will read the resolution with care and that they will bear it in mind when acting on legislation designed to clarify the tidelands controversy.

The resolution follows:

To the Congress of the United States of America:

On June 5, 1950, the Supreme Court of the United States handed down a 4 to 3 decision which attempted to give title to the Federal Government of the tidelands off the shore of Texas. In 1845 the United States Government entered into a written contract with the people of Texas which specifically provided that these lands would remain the property of Texas after the Republic of Texas became a State. This decision of the Supreme Court, if allowed to stand and become effective would be a clear-cut breach of this contract. Today, more than ever before the United States is looked upon over the entire world as the example of a democratic country which keeps its obligations and treaties faithfully and to the letter. The United States of America should not allow the world to witness it breaking a contract, which its representatives made in good faith, and has stood for over 100 years.

In writing its decision, the Supreme Court refused to allow the attorney general of Texas to present and develop the multitude of evidence he had regarding this case. In making its decision the Supreme Court completely ignored the historical facts which are relative to this case. The entire citizenship of Texas is greatly disturbed and insulted by this action. The documented facts of history stand, regardless of the varied political interpretations which come and go with the generations of time. We, the people of Texas, ask you to look at the facts:

1. After winning its independence from Mexico on the battlefield of San Jacinto in 1836, the first congress of the Republic of Texas fixed its limits by a boundary act of December 19, 1836, as follows: "Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande." Thereafter, in 1837, President Andrew Jackson advised the Congress of the United States as follows:

"The title of Texas to the territory she claims is identified with her independence."

2. On April 12, 1844, after formal negotiations, a treaty was signed between Texas and the United States, providing for the annexation of Texas. In this treaty Texas was to give up its public land and property. The United States was to assume the public debt of Texas and was to annex Texas as a Territory. On April 22, 1844, President Tyler sent this treaty to the Senate of the United States, which on June 8 voted and defeated the treaty by a vote of 36 to 16. One of the main reasons stated on the floor of the Senate for the defeat of this treaty was the allegation that Texas' lands were worthless and would never amount to enough to pay the indebtedness of that Republic. One Senator said, "Let Texas keep her lands and pay her own debts."

3. Accordingly, the same Congress submitted a counterproposal to the Republic of Texas for annexation. From December 10, 1844, until February 14, 1845, 17 drafts of a counterproposal came before the United States Congress. Some of these had provisions which would have required Texas to cede its minerals, mines, salt lakes, and springs, and to give up its land and mineral rights. None of these proposals passed. Finally Representative Milton Brown of Tennessee, who had previously introduced a resolution stipulating that Texas cede her minerals, offered again the general proposals of his original resolution, but omitted the

ceding of mineral clauses, which his earlier resolution had contained and which had just been defeated in the rejection of an amendment of Representative Burke, of New Hampshire, which stipulated that Texas cede its minerals and mines. Brown's revised resolution was adopted by a vote of 120 to 98. Thus the claim of the United States to the minerals of Texas was considered and rejected by the House of Representatives in its formation of the resolution which was submitted to and accepted by the Republic of Texas as the basis of its admission to the Union.

This House resolution that finally passed contained two paragraphs; the first proposed that Texas should be admitted to the Union as a State, with a republican form of government adopted by the people of Texas and approved by the Congress of the United States. The second paragraph specified the details of the annexation; namely, that the constitution of the new State must be submitted to Congress before January 1, 1846, and that new States, not exceeding four in number in addition to the State of Texas might be formed out of Texas. The most important of these specific provisions was that Texas was to retain its public debt and was to retain title to all of the vacant and unappropriated lands lying within the limits of the Republic of Texas. Nothing was in these first two paragraphs about equal footing with other States.

The United States Senate amended this resolution and added a third paragraph which gave the President of the United States the option at his own judgment and discretion to negotiate the annexation of Texas by treaty which would admit Texas into the Union on an equal footing with the existing States, instead of submitting to the Republic of Texas the proposals of the first and second paragraphs as prepared by the House.

President Tyler chose not to exercise this option to negotiate by treaty and instead submitted the provisions of only the first two paragraphs of the joint resolution. President Anson Jones of Texas submitted this to the Texas Congress, which unanimously approved it, and then called a convention of the people of Texas to prepare a State constitution and to ratify the acceptance by the Texas Congress. This convention passed an ordinance of acceptance which states, "* * * we, the deputies of the people of Texas, do ordain and declare that we assent to and accept the proposals, conditions, and guaranties contained in the first and second sections of the resolution of the Congress of the United States * * *" On December 29, 1845, James K. Polk, President of the United States, signed a joint resolution of the Congress of the United States, which referred to the offer by the United States and the acceptance of Texas of the provisions of the first and second paragraphs of the initial joint resolution of March 1, 1845, which made the offer, and declared that effective upon December 29, 1845, and upon those terms, Texas was a State in the Union. Thus, although the President of the United States was authorized by the third paragraph of the resolution, at his own discretion to offer Texas an opportunity to come into the Union on "equal footing" by treaty, he instead submitted the alternate proposal which outlined specific provisions allowing Texas to retain her lands. The proposal actually submitted to and accepted and ratified by Texas contained no mention of the "equal footing" idea.

One of the specific proposals, conditions, and guaranties offered by the United States in good faith and accepted faithfully by the people of Texas was that Texas was to retain the public domain which had belonged to it while it was an independent nation. These lands consisted of an estimated 237,906,000 acres of public lands which extended to three leagues offshore. The new State of Texas retained the General Land Office, which had been established by the republic to administer the ownership of these lands. And for over 100 years Texas has had possession of these lands and has administered them accordingly, and its ownership has been recognized by all parties, including the United States Government.

These are the facts of history. It is not the romantic imagination of Texas, nor is it a wishful dream of ours. It is true, pure, and clean factual history. To violate this written contract made in good faith by both parties and kept by both for over 100 years is to cast a dark shadow of dishonor upon the whole of American life, public and private, which rests upon the integrity, the faithful observance of agreements.

Four members of the Supreme Court of the United States, less than a majority of the full nine member court, have ignored the provisions of the annexation contract by which Texas retained these lands and minerals. In justification therefor, these four members have cited and relied upon the alternative "equal footing" provision which was never submitted by the President of the United States to Texas and was never considered, accepted, or agreed upon by the Republic of Texas. It was contained in none of the proposals to or negotiations with Texas except the above-mentioned alternative and rejected third paragraph. The result is that an alternative proposal which was rejected both by the United States and Texas has been allowed by the Supreme Court to control over the proposal specifically submitted by the Congress and people of Texas, and which provided that they retain all lands "lying within its limits."

The ruling of the Supreme Court should not be allowed to stand. As Chief Justice John Marshall said, suits involving constitutional issues and treaties should not be decided by less than a majority of the full Court. In no event should four members of the Court, over the protest of three dissenters, be allowed to break a provision of the solemn contract between the United States and the Republic of Texas and take away from the State 2,680,000 acres of land which has been in its possession for over 100 years. If the Court persists, then Congress should remedy the injustice.

Since it was a joint resolution of Congress which established the provisions of Texas' affiliation with the United States, we, the people of Texas, appeal to you whose high privilege it is to make the policies of this Nation, to uphold the dignity of our great country by enforcing the agreements made by our predecessors over 105 years ago. Today, the United States is the leader of nations in the fight to uphold the high moral principles of honor, and good faith in government. Now, while its representatives are negotiating treaties and agreements with nations all over the earth, is no time for the Government of the United States to exhibit to the world that it will stoop to the depth of regarding a written document made in good faith by two nations as a "scrap of paper." The people of Texas cannot accept such a conduct of government. We respectfully urge that the Eighty-first Congress by a joint resolution uphold the honor and dignity of the Twenty-ninth Congress and support the provisions of its annexation agreement with Texas, and declare that all right, title, and interest in the public domain of Texas, including its tidelands, three leagues into the sea, remains and is vested in the State of Texas.

Passed by the board of directors of the Freeport (Tex.) Lions Club this 28th day of August, 1950.

F. W. ARRINGTON,
President, Freeport, Tex., Lions Club.

Health Legislation That Has Provided Additional Facilities and Research Programs for the Benefit of Our People

EXTENSION OF REMARKS
OF
HON. CHARLES A. WOLVERTON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 23, 1950

Mr. WOLVERTON. Mr. Speaker, it has given me a great deal of personal pleasure to have been a member of the Committee on Interstate and Foreign Commerce. This committee has an exceedingly extensive jurisdiction covering outstanding activities such as all forms of transportation, including rail, bus, motortrucks, inland and coastal waterways; communications, which includes radio, television, telephone, telegraph, and cables; security exchange and certain types of investment legislation; Federal power, relating to interstate transmission of all forms of power, including electricity, natural gas, and related subjects; Federal trade, which covers trade practices; civil aviation, and all that relates to the operation and control of all types of civil aircraft; food and drugs, to insure safety and honesty in the administration of such to our people; Bureau of Standards, relating to scientific development; enemy property, to provide for the administration and settlement of alien property in the custody of the Government taken over by it as a result of the last war; petroleum, in all its different aspects, including production, refinement, distribution, and sale.

The last, but by no means the least, is the jurisdiction over public health. It is this more than any other subject within the jurisdiction of our committee that has given me a feeling of genuine pleasure and appreciation of doing something constructive and worth while for all of our people.

The accomplishments of our committee, and in which I feel honored to have had a part, have been widespread, and have materially advanced the welfare of our people. The work of the committee has covered those subjects in which it was particularly appropriate for the Federal Government to supplement by Federal aid activities within the several States and territories. Care has at all times been observed to keep these Federal programs within limits that would preclude the Federal Government from taking over, substituting or replacing private practice of medicine or the conduct of private institutions carrying on medical services or research activities. The whole thought and purpose is to supplement and encourage all such endeavors and thereby make greater progress and advancement in the cause of human welfare.

I include, as a part of my remarks, a partial list of bills that have come out of our committee and are now law. I am pleased that some of this legislation bears my name, and all of the bills have had my active support. The list is as follows:

the former Senator Townsend and the former Senator Black, concluded a report dated May 6, 1936, on behalf of this committee, to wit:

"Thus there still remained (after the return of $250,000 by the Fleet Corporation's check to the companies) in the hands of the Government unreturned funds amounting to $384,256.26."

The published Senate reports of the Eightieth and the Eighty-first Congresses pertinent to this subject matter declare that—

There is a factor of public interest in this case.

The Congress has always pursued the policy that the foundation of good government rests squarely on justice.

The Congress has always maintained the policy that there cannot ever be finality on the part of the Government without justice.

The Senate bill, S. 784, will correct the injustice inflicted on the companies for so many years.

The refusal to return the funds of the companies had been consistently based by Government counsel on the alleged contention that the companies and Schundler had breached contracts for the purchase of the vessels; this contention was a misapprehension of the facts.

The Executive disapprovals were grounded upon invalid assertions and upon representations made to the former President that the Government had been damaged by breach of contracts of sale of the vessels and that the Government could confiscate the unreturned cash property, unreturned by the Fleet Corporation and withheld in its custody, as liquidated damages.

The Court of Claims found that this was not true and that these assertions were invalid; the court determined and held that there were no sales and that the companies did not breach any contracts that there were no liquidated damages; to quote the court itself verbatimly, to wit: "There were no valid contracts to sell. Plaintiffs breached no contracts," and as the court's commissioner summarized it, to quote him verbatim—

"Plaintiff companies, therefore, did not breach any contracts, and thereby damage the United States to the extent of $384,256.26 or any part thereof."

It is noteworthy that in early 1921 Admiral Benson appointed a committee consisting of the then Commissioner Frederick I. Thompson; Commander A. B. Clements, who was the special assistant of Admiral Benson; Hon. W. W. Nottingham, assistant general counsel of the Board-Fleet Corp.; and Hon. J. A. Philbin, ship sales manager and vice president of the Fleet Corp. for many years. This committee directed in early 1921 the escrowed cash funds to be returned to the companies and set up the formula of accounting of disbursements in keeping with the operating contract, and it is this method which the internal revenue applied in its determinations. The directive of this committee was not carried out by the Fleet Corp. at that time and failure to do so became the commencement of the delay in the return of the funds due the companies.

CONCLUSION

It is noteworthy that up to this time every Member of Congress has recognized the equity and morality of this demand of the companies for the return of their cash property herein involved. Reference is made to page 1 of Senate Report No. 548, to wit:

"After this case came to the attention of the Congress and was fully investigated by Members of the Senate and of the House, and reported on to Congress, Congress has consistently endeavored to provide the relief due to these companies, which common sense and justice, honorable and equitable consideration of the facts do require."

Tidelands

EXTENSION OF REMARKS
OF
HON. OVERTON BROOKS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 22, 1950

Mr. BROOKS. Mr. Speaker, this session is about to come to an end. We have considered many problems of major importance to our people; and the Korean war has come along in the middle of our domestic program to interrupt it. We therefore have not passed upon many problems which otherwise should be disposed of immediately.

The tidelands problem is one of those which have been pending for many years. At first it seemed that the claim of the Federal Government to the ownership of these lands was preposterous; and many persons did not treat it seriously. As time has gone by, the claim has gradually become more serious until now it is threatening the very existence of any State right or interest in these lands.

I think this problem which means so much to many of our States should be settled as soon as possible. In fact, it should be settled before we adjourn this Congress. Further delay may mean the complete loss of any serious claim which tideland States may have in these valuable properties.

Mr. Speaker, this is a most serious matter which the State of Louisiana must face. Already a large part of its revenues comes from tidelands; and the State is going to be seriously punished by any act of the United States in taking away revenues previously coming to it from the tidelands. Just what these revenues amount to in dollars and cents, I do not now have the total amounts; but I do know that the complete loss of this revenue from Louisiana tidelands will mean perhaps additional State taxes must be levied upon our people to meet the deficiency caused by this loss.

I was deeply concerned the other day to learn that the Attorney General of the United States was asking for an accounting by the several States of its tideland revenues collected in the past. Such an accounting is another threat to the financial ability of the State of Louisiana. It will again force upon our people in Louisiana the realization that some day we may be compelled to readjust our State finances on a different basis as a result of the dispute over the title to the submerged oil lands off the coast of Louisiana.

All of this means one thing, Mr. Speaker, in my judgment. The time for further delay and procrastination has passed. This issue must be met and met now. Delay will not improve the position of the State in this dispute and delay will not make our case stronger. Every additional delay means loss of further strength to the States which are carrying on this fight against the further encroachment of the powers of the Central Government. I am sorry that we have not been permitted to vote on this matter during the course of this session; but I hope that when we reconvene in November, the Congress will set to work to bring this matter forward to an issue and a final vote.

Harvard Dean Urges Bar Association To Oppose Senate Loopholes in the Tax Bill

EXTENSION OF REMARKS
OF
HON. JOHN A. CARROLL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Saturday, September 23, 1950

Mr. CARROLL. Mr. Speaker, it must be gratifying to those Members who have been critical of the Senate amendments to H. R. 8920, the pending tax bill, which would have reopened many loopholes closed by the House and have added even larger new loopholes, to see the splendid work of the managers on the part of the House. It is regrettable, however, that the Government must continue to lose $190,000,000 a year through tax avoidance by coupon clippers because of the opposition of the Senate to withholding on corporate dividends in the same manner as taxes are now withheld on the salaries and wages of working people.

In view of the active sponsorship by some of the leading members of the tax section of the American Bar Association of some of the Senate loopholes, I think it particularly appropriate and timely that the dean of the Harvard Law School, Mr. Erwin N. Griswold, should have publicly raised the question about the role of the tax section on these important issues. Under leave to extend my remarks, I wish to insert a portion of an address by Dean Griswold delivered before the tax section of the American Bar Association in Washington, D. C., on Monday, September 18, 1950:

* * * now we must look ahead, and I would like to venture a few words for tax lawyers for the days to come. The history of the 1920's is not going to repeat itself. We are not going to have the era of economic plenty and lowered taxes which we had looked forward to. Probably we should have foreseen that it was not to come, but we did allow ourselves to hope. Now we are confronted with reality and the pleasant dream is gone—or going. As tax lawyers, whether for the Government or for private clients, we have a great responsibility in the difficult days to come.

Way down in the South Seas somewhere there is a little island where there is no unemployment, no crime, no beggars, no radios, no taxes—and no inhabitants. We are likely to forget that taxes are a necessary concomitant of organized society, and that we are all undoubtedly very fortunate that our society is organized.

Certainly, we as tax lawyers ought to complain very little about the taxes. I will venture the thought that there is scarcely a man in this room who is not better off because we have had high taxes than he would be without any tax law to practice. Tax law has become a highly specialized field, which

day he begins to question your motives. The third day he says you are stingy and should give him two quarts. The fourth day—or the fortieth—when you can no longer afford to give him any milk, he says you are a liar and a welsher because you promised to give him milk the rest of his life.

Certain help in the way of machinery, tools, and technological information may be absolutely essential to bolster up a flagging economy, or food may be required in a period of famine, but nothing more should be given or promised in the way of economic subsidies.

Proof that this is not necessary is to be found in Russia's policies today. Russia has sold millions of people her doctrines—yet Russia usually takes away goods and products from nations she overwhelms. Certainly Russia does not follow the policy of giving substantial aid to those nations which come under her domination.

How should the $5,000,000,000 be spent?

May I repeat that the colossal task of winning over the world to our way of thinking is so important—and will require so many years and so much effort—that a new department in our defense set-up should be created. It might be called the Department of World Relations and it should be staffed with the best brains of the country, drawn from the fields of publishing, broadcasting, public relations, and advertising.

Our program must be based upon truth. Herr Goebbels and his many imitators in Russia today have shown that big lies constantly repeated eventually come to be accepted. But truth, repeated as constantly, can be even more convincing and devastating.

The art of persuasion has never changed. Success grows out of a complete understanding of the hopes and aspirations of the people one tries to influence and the sympathetic desire to aid these people in reaching these goals.

Nothing is more boring than to talk about one's self—a sin which we have committed too often in our information program in recent years. The typical person, be he an illiterate peasant or a member of the intelligentsia, has usually one question only to ask—"What's in it for me?"

And, gentlemen, that is the question which we must answer.

Here is a peasant in Italy, a farm worker in France, an impoverished and hungry native of China—all of whom have been offered land and a better way of life if they turn Communist.

How do we win in this competition? Certainly we won't get very far by telling these poverty-stricken people and the hundreds of millions like them, that life in America is wonderful; that workers here own cars, homes, refrigerators, television sets, and everything else.

Their answer is likely to be, "So what? How do we get to America, and what do we do to get these things when we get there?"

No; our problem is to show how democracy and our form of economy actually will raise the standard of living in their own country; and how, along with a higher standard of living, they can enjoy the freedoms which man has fought to gain over the centuries, and which would be denied under communism.

To tell this story to the great masses of people of the world we must use every means of communication. Especially we must use those media which are best suited to reach the illiterate, because it is this group which has proved to be the most susceptible to Communist propaganda the world over.

A friend of mine who was stationed in Iran during the war told me this stock of Russian propaganda efforts in that country. He told about Russian mobile motion-picture units which toured the country showing the peasants how Russia would improve their standard of living. The motion pictures showed how agricultural practices in Iran could be improved, how the wonderful farm machinery made in Russia would reduce the labor of the farmer, how the building of dams would increase greatly the areas of the country which could be put into crops.

Can you imagine an approach more effective than this in winning converts to communism?

Motion pictures obviously should play a great part in our own selling program. We should produce pictures to show how the advances made in this country can be utilized in other nations. More important still, pictures can show how the aspirations of other nations parallel our own.

The Garibaldis, Masaryks, the Sun Yat-sens, all get their inspiration from this land of ours. The revolution that began in the early days of this country is the only real and lasting one in the world. Communism, as is often pointed out, is merely a counter-revolution.

Motion pictures are needed to counteract Communist propaganda. People need to know what the technique of the big lie is and what a world dominated by the Russians would really be like.

I believe that we should provide picture books, and many of the textbooks for the children of the world—not only to make certain that the youth of all nations is not indoctrinated by Russian philosophy but to share our knowledge with the people of the world, and to make certain that our ideals are known to everyone. If the Chinese Communists have found that comic books are effective in spreading Russian propaganda, then we should make certain that we distribute far more, and far better comic strips to tell our story.

We should support newspapers throughout the world which daily give the truth about world events and which present our point of view. How else can the people of many countries ever achieve any understanding of our point of view in world affairs. The Communists have scores of newspapers in the highly populated areas of the world. Can we afford to overlook their influence on large segments of the population of these areas?

We should encircle the globe with a radio network which will give everyone who chooses to listen—even the people inside Russia and the satellite nations—an opportunity to hear our side of the case. And if the people do not own receiving sets, then we should do everything we can to see that they have them.

We must bring students and leaders to this country by the tens of thousands to let them see for themselves what we think and how we live. Likewise we must send thousands of teachers and technologists abroad to make certain that people have first-hand evidence of our willingness to help them help themselves.

All of this may sound like a very ambitious program. But dare we undertake less?

Do we dare let Russia continue to tell the world that she alone wants peace and that we want war?

Do we dare let Russia continue to parade as the sole protector and friend of the masses of people of the world?

Do we dare let Russia claim that only through communism can the lot of the common people be improved in Asia, Africa, and South America?

Do we dare let Russia continue to picture us to hundreds of millions of people as imperialists—as the great exploiters of mankind?

If your answer is "No," then we must face up to the job that has to be done—the hardest, toughest selling job that any nation of the world has ever faced—against the greatest odds—and for the greatest stakes.

Victories in Korea—or anywhere else in the world—will be completely empty, in fact dangerous, unless first we have won a victory over the minds of men.

United States of America Against State of Louisiana

EXTENSION OF REMARKS

OF

HON. ALLEN J. ELLENDER

OF LOUISIANA

IN THE SENATE OF THE UNITED STATES

Monday, December 18 (legislative day of Monday, November 27), 1950

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD the reply by defendant to plaintiff's memorandum on proposed decree in the case of United States of America versus State of Louisiana, pending in the Supreme Court of the United States.

There being no objection, the reply was ordered to be printed in the RECORD, as follows:

[Supreme Court of the United States, October term, 1950. No. 12, original]

UNITED STATES OF AMERICA, PLAINTIFF, V. STATE OF LOUISIANA, DEFENDANT

REPLY TO PLAINTIFF'S MEMORANDUM ON PROPOSED DECREE

The memorandum filed by the plaintiff "in regard to Louisiana's objections to the proposed decree," portrays a complete absence of any legal basis whatever for the position in which the United States now finds itself. Said memorandum further shows that the proponents are on the defensive and are at a loss to justify their proposed decree under the Constitution, laws, and treaties of the United States. We submit that it compels the conclusion that there is now no case or controversy before this Court and that the complaint should be dismissed.

Point 1. The issue of fee simple title has been eliminated by the Court from this case

The Solicitor General states that there is no basis for Louisiana's objection to including in the proposed decree the sentence that, "the State of Louisiana has no title thereto or property interest therein." But his assertions, we submit, are fully answered by the fact that this Court in its decision herein on June 5, 1950, definitely stated that this litigation "does not turn on title or ownership in the conventional sense."

That the issue of title to Louisiana's submerged lands and resources was not decided by the Court in this case is further shown by the Court's refusal to grant Louisiana a trial on the issue of title to its marginal seabed and the lands and resources therein, after the Court had stated that (1) Louisiana in her answer had denied that the United States has fee simple title to the lands, minerals, or other things underlying the Gulf of Mexico within her boundaries; (2) had set up affirmative defenses that she is the holder of fee simple title to all said lands, minerals, and other things; and (3) that Louisiana had also moved for trial by jury on the ground that this action is essentially one to recover possession of real property, that is, the soil and resources of the marginal sea off Louisiana and so is essentially an action at law in which the State is entitled to a jury trial under the Constitution and laws of the United States.

So, the Court eliminated the issue of title.

Point 2. Moreover, plaintiff has now specifically abandoned all claims to fee simple title

The plaintiff has now actually abandoned, in its proposed decree, the very claim to fee simple title to Louisiana's tidelands and mineral resources—the marginal seabed of Louisiana—which plaintiff made in its complaint.

Paragraph II of its complaint alleged as follows:

"At all times herein material, plaintiff was and now is the owner in fee simple of, or possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico."

But paragraph 1 of the decree proposed by plaintiff carefully omits the claim to fee simple title disjunctively made in the complaint merely asking that this Court decree that—

"The United States is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico."

So the plaintiff, having now abandoned its claim to fee simple title, the question of who has fee simple title is not before the Court in any respect whatever, and cannot be the basis of any decree.

Point 3. The California decree is no precedent whatever in this case

The California decree is no precedent whatever for the decree in this case, because there, California, in effect, consented to the entry of a decree which was proposed by the United States as plaintiff which stated that California had no title to the property. The decree in the California case was to that extent, therefore, a judgment by consent.

We submit that whatever the effect of that decree may be for California, it does not bind Louisiana at all. Louisiana has never consented to any such stipulation. She has always stood, and will ever stand, ready to submit evidence of the widest character portraying her fee simple title to and right to possession of the area involved, undisputed for more than 136 years.

Point 4. There is no case or controversy regarding the constitutional paramount rights, powers, and dominion of the United States over the marginal sea within Louisiana's boundaries

There is no possible controversy over anything in this case except fee simple title. Even the Solicitor General himself said so, specifically, in his testimony before the Senate Committee on Interior and Insular Affairs, on October 4, 1949.

He then stated that the Government's claim to the tidelands and their mineral resources was based on the claim of title, and that if the United States did not have title, it was not entitled to them. See Hearings before said committee, pages 56, 180.

The Court's decision in this case definitely eliminated the question of fee simple title by holding that this litigation did not turn on title or ownership of the property in question. Necessarily, therefore, the question of title cannot be revived by the suggestion on page 5 of memorandum in support of the proposed decree that the United States should have fee-title and ownership or proprietorship to the lands under navigable waters within Louisiana's boundaries.

And there never has been any controversy over the constitutional paramount rights, powers, dominion, etc., of plaintiff over the marginal sea off Louisiana; for Louisiana has never denied them, and she has specifically admitted them in this litigation. Hence there are no conflicting claims of governmental powers here, as there were with California (332 U. S. 1, 25); here there simply is no case or controversy whatever before this Court which could be used as the basis for a decree; and the complaint should be dismissed.

The supreme or paramount character of the rights, powers, and dominion of the United States within its delegated governmental sphere has been the recognized law and jurisprudence in this country since at least 1819, when this Court, through Chief Justice Marshall, in *McCullough* v. *Maryland* (4 Wheat. 403) held:

"If any one proposition could command the universal assent of mankind, we might expect it would be this—that the government of the union, though limited in its powers, is supreme within its sphere of action."

It is not amiss to point out that, so far as we have been able to ascertain, the phrase "paramount right" arose in the leading case of *McCrcady* v. *Virginia* ((1876) 94 U. S. 391). In that case the Court held:

"The principle has long been settled in this Court that each State owns the beds of all tidewaters within its jurisdiction, * * * (cases cited). The title thus held is subject to the paramount right of navigation, the regulation of which, in respect to foreign and interstate commerce, has been granted to the United States" (pp. 394, 395).

However, if a case or controversy could now be manufactured in this case with respect to paramount rights, power, or dominion of the United States, where none exists because of the fact that Louisiana has never denied them, but to the contrary has consistently admitted them; then, in that event, Louisiana's objections to paragraph 1 of the proposed decree would be appropriate. Louisiana's objection was merely that the following words should be added to the proposed paragraph: "To the extent of all governmental powers existing under the Constitution, laws, and treaties of the United States."

Unless the executive branch of the Government is arguing that this court should decree its powers over and beyond those conferred by the Constitution, we submit that the words of constitutional limits, quoted above, would be essential. But again, we must point out that there is no issue before this Court as to paramount rights, power, dominion, etc., of the plaintiff over the seabed within Louisiana's boundaries, and hence there is no basis for a decree on that subject, either.

Point 5. Plaintiff now asks this Court to clothe it with the very power that Congress has specifically refused to grant, and thus to extinguish the separation of powers embodied in the Constitution

Plaintiff now asks this Court to empower what Congress has specifically refused to grant. The effect of the argument is to seek to extinguish the separation of powers embodied in the Constitution.

Plaintiff's position in its proposed decree insofar as it seeks an injunction is necessarily based on an assumption that plaintiff has fee simple title to lands under navigable waters within Louisiana's boundaries. We have shown above that that issue was eliminated by the Court; that plaintiff has now specifically abandoned, in its proposed decree, all claim to fee simple title; and that the issue of fee simple title is not now before the Court to become the subject of any decree.

From a different approach, however, perhaps nothing portrays plaintiff's utter lack of right to an injunction, accounting, etc., and the fact that it does not have fee simple title, than the action of Congress. For Congress has specifically refused to grant the plaintiff power to explore, lease, etc., the area involved. And from this we must infer that even Congress has firmly recognized that plaintiff does not have fee simple title to the area involved.

Further, plaintiff, having applied to Congress for the necessary legislative authority to lease, explore, take out, etc., the minerals in the marginal sea, and having been specifically refused such authority only 3 years ago, now asserts that the judicial power, through this Court, may do what the legislative branch of the Government has specifically refused to do. It needs no argument to demonstrate that this Court does not possess the legislative power assigned by the Constitution to Congress.

We may point out that plaintiff has placed itself in this feeble position through its own efforts. Not having fee simple title to the marginal sea bed, and having now even abandoned all claims to fee simple title, plaintiff nevertheless wants to stop the oil-drilling operations of Louisiana and its lessees. That such a cessation of operations would be disastrous to the national economy and the present grave emergency is something of which this Court may take judicial notice. In an effort to avoid these catastrophic consequences plaintiff now grandiosely asserts that the Secretary of Interior will permit the oil-drilling operations to continue on such terms and provisions as he may see fit to grant, and that he should be considered by this Court, therefore, to possess the very authority to explore, lease, operate, etc., which Congress refused to purport to grant to him.

Thus, plaintiff nonchalantly asserts that, to be sure, Congress has enacted no such legislation, and that it has been held that the Mineral Leasing Act of February 12, 1920 (41 Stat. 437), as amended, does not apply to submerged lands of the type here involved,[1] but that regardless of the absence of any act of Congress, the Secretary of the Interior stands ready to authorize continued production of minerals from the States' tidelands and has full power to make "interim arrangements" to protect and preserve the lands and resources "adjudged" to the United States, and he points to an Executive order, No. 9633.

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[1] "After the Supreme Court decision in the California case, the question whether the Mineral Leasing Act applied to those areas became material. On August 8 and 28, 1947, the Solicitor of the Department of the Interior and the Attorney General, respectively, held that the act did not apply to the submerged coastal areas. Accordingly, on September 8, 1947, the Director of the Bureau of Land Management denied the applications pending in that Bureau, and on October 6, 1947, the Secretary of the Interior denied the applications pending in his office.

"There is no reason to think that the legal conclusions of the Solicitor and the Attorney General, and the consequent administrative actions denying all the then pending applications can be successfully challenged in the courts."

(Statement of Solicitor General, p. 30, pamphlet, Submerged Lands, Government Printing Office, report of "Hearings before the Committee on Interior and Insular Affairs, U. S. Senate, 81st Cong., 1st sess.," bills S. 155, S. 923, S. 1545, S. 1700, and S. 2153.)

Oil and Gas (act of February 25, 1920), secs. 13 and 14, 30 U. S. C. 221–236; oil shale, 30 U. S. C. 241; phosphate, 30 U. S. C. 211–214; sodium, 30 U. S. C. 261–263; potash, 30 U. S. C. 281–287; sulphur, 30 U. S. C. 271–276.

By act August 7, 1947, 30 U. S. C. 352, the Secretary of Interior was authorized to lease for oil and other minerals "acquired lands of the United States," to which the mineral leasing laws had not been extended; but it was provided: "That nothing in this chapter is intended, or shall be construed, to apply to or in any manner affect any mineral rights, exploration permits, leases, or conveyances nor minerals that are or may be in any tidelands, or submerged lands, or in lands underlying the 3-mile zone or belt involved in the case of the United States of America against the State of California now pending on application for rehearing in the Supreme Court of the United States; or in lands underlying such 3-mile zone or belt, or the Continental Shelf, adjacent or littoral to any part of the land within the jurisdiction of the United States of America." The mineral leasing laws were not only not extended to the marginal sea, but Congress positively asserted that the Secretary of Interior should not exercise such authority under the law.

Parenthetically, plaintiff can point to no "adjudging" of the tidelands and their mineral resources to the United States, because that would imply a holding that the United States has fee simple title thereto, contrary to the decision of this Court that title was not the issue in this case and to the fact that plaintiff has now actually abandoned all claim to fee simple title. And it is contrary, by analogy, to the Court's decree in the California case, where the United States was specifically denied proprietary rights in the tidelands and their resources, and which is a legal adjudication that the United States does not have fee simple title to the California marginal sea area.

In apparent support of the Secretary of Interior's alleged power, the Solicitor General cites statements made to the Senate Committee on Interior and Insular Affairs, by the Attorney General and Solicitor for the Department of the Interior during the committee's hearings on Senate Joint Resolution 195, Eighty-first Congress, which resolution proposed to purport to confer interim authority in the Secretary of the Interior to administer the mineral resources in the States' tidelands.

But Congress did not enact Senate Joint Resolution 195. It died aborning in the Senate Committee on Interior and Insular Affairs after a thorough hearing in August 1950. The Congress of the United States undoubtedly refused to enact such legislation because it would thereby have adopted a policy of nationalization and confiscation of property, wherever the constitutional paramount powers and dominion of the United States extend, and that is everywhere in the United States.

Plaintiff's argument that, Congress having specifically refused to grant the authority sought, the judicial power should decree it has far-reaching implications. Such a contention would destroy the separation of powers around which the Constitution is constructed, extinguish the role of Congress, and transfer the legislative power to the judicial branch of the Government.

The United States Constitution, article I, section 8 provides:

"The Congress shall have power * * * to regulate commerce with foreign nations and among the several States * * * to define and punish * * * offense against the law of nations; and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

The Supreme Court of the United States throughout its history on many occasions consistently has held that—

"In the United States, sovereignty resides in the people, who act through the organs established by the Constitution." *Chisholm* v. *Georgia* (2 Dall. 419, 471); *Penhallow* v. *Doane's Administrators* (3 Dall. 54, 93); *McCulloch* v. *Maryland* (4 Wheat. 316, 404, 405); *Yick Wo* v. *Hopkins* (118 U. S. 356, 370).

And:

"But until Congress has acted, the courts of the United States cannot assume control over the subject as a matter of Federal cognizance. It is the Congress, and not the judicial department, to which the Constitution has given the power to regulate commerce with foreign nations and among the several States. The courts can never take the initiative on this subject." *Transportation Co.* v. *Parkersburg* (107 U. S. 691, 700, 701).

And, again, in *Manchester* v. *Massachusetts* (139 U. S. 240), this Court held that there was no power over a natural resource in the Federal authorities which Congress "does not assert by affirmative legislation" (p. 266).

As against the suggestion of the Solicitor General that an executive order be given the force of legislation, to bypass Congress, it is well to refer to the statement made by an Associate Justice in *Adamson* v. *California* ((1947) 332 U. S. 46, 67 S. Ct. 1672, 1682) that—

"We must be particularly mindful that it is a Constitution we are expounding" and that the guidance of the past "bids us to be duly mindful of the heritage of the past, with its great lessons of how liberties are won and how they are lost."

Conclusion

Louisiana reiterates its pleas and supporting memoranda herein and submits that the complaint should be dismissed for the following reasons:

1. This Court refused to permit Louisiana to submit her evidence in proof of her fee simple title to and right to possession of the area involved, undisputed for more than 136 years. It eliminated the issue of fee simple title. Now, in its proposed decree, plaintiff has specifically abandoned the very claim to fee simple title which it made in its complaint. Accordingly, the whole matter of fee simple title is not now before this Court to become the basis of any decree at all.

2. There is not, and never has been, any case or controversy before this Court with respect to the constitutional paramount rights, dominion and power of the plaintiff over the area involved; and we defy the plaintiff to conjure up the slightest scintilla indicating any such thing. Indeed, we may say frankly that the hullabaloo raised by the plaintiff over its paramount rights in, power and dominion over the area involved is sheer nonsense, wholly without substance, and that there is no case or controversy between the United States and Louisiana to provide a basis for a decree on that subject.

3. In the face of the foregoing, by seeking, nevertheless, to have this Court clothe plaintiff with the very authority to explore, lease and take out the minerals in the area involved, which Congress specifically refused to grant to it, plaintiff raises a contention with vast implications. It would necessarily destroy the separation of powers and disrupt our system of government.

If this Court should now sustain the contention of the Solicitor General that an Executive order on judicial decree should be substituted for the constitutional legislative prerogative of Congress, then it might well follow that an Executive order might be written to abolish the Congress altogether. Or the Solicitor General could then ask for a judicial decree suspending the constitutional powers of Congress.

4. Finally, what plaintiff apparently seeks as a practical matter, if we are to be frank about it, is "nationalization"—confiscation by the Federal Government—of the lands, minerals, etc., underlying the navigable waters within Louisiana's boundaries. But that claim has no legal basis; we submit, therefore, that it has no standing within the walls of the Constitution and the tradition of this Court.

The pending petition for rehearing should be granted and the complaint should be dismissed; or the case should be restored to the docket for argument on the proposed decree and Louisiana's objections.

Respectfully submitted

BOLIVAR E. KEMP, JR.,
Attorney General, State of Louisiana.
JOHN L. MADDEN,
Assistant Attorney General, State of Louisiana.
L. H. PEREZ,
New Orleans, La.
BAILEY WALSH,
F. TROWBRIDGE VOM BAUR,
Washington, D. C.
CULLEN R. LISKOW,
Lake Charles, La., of Counsel.

Provisions of Law Which Would Become Operative Upon Proclamation of a National Emergency by the President

EXTENSION OF REMARKS
OF
HON. JOHN W. McCORMACK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Monday, December 18, 1950

Mr. McCORMACK. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following provisions of law which a preliminary study by the Department of Justice was indicated would become operative upon proclamation of a national emergency by the President:

I. PROVISIONS AS TO WHICH THE JOINT RESOLUTION OF JULY 25, 1947 (61 STAT. 449, 451-454) TERMINATED THE STATE OF WAR AND THE NATIONAL EMERGENCIES THEN EXISTING

Act of February 26, 1925 (43 Stat. 984): Provides that the Secretary of War, upon his sale thereof, shall attach such conditions as shall ensure use by the United States of the railroad of the Hoboken Manufacturers' Railroad Co. (owned by the Port of New York Authority) in the event of war or other national emergency.

Act of April 12, 1926 (44 Stat. pt. 2, p. 241): Government authorized to assume absolute control, for military purposes, of the municipal aviation field on land leased to Tucson, Ariz., in case of emergency, or in event it should be deemed advisable.

Act of May 29, 1926 (44 Stat. pt. 2, p. 677): Exchange of land is authorized on condition that other party agrees that Department of War may assume control of airfield near Yuma Ariz., in case of emergency, or in the event that it should be deemed advisable by the Secretary of War.

Subsection 2, page 1292, of act of May 15, 1936 (49 Stat. 1292): Secretary of War may transfer specified land to city of Little Rock, Ark., upon condition that the Secretary of War may require the city to turn over complete control of the Little Rock Municipal Airport to the United States in time of national emergency.

Act of May 27, 1936 (49 Stat. 1387), as amended by Public Law 97, Eighty-first Congress: Deed by United States to Charleston, S. C., of certain land shall provide for authority of President to take it for use of War Department in the event of a national emergency.

Section 3 of act of June 21, 1938 (52 Stat. 834): Deed shall provide the right of the President to take over Hoboken Pier Terminal property in event of a national emergency for use by the Department of the Army.

Act of November 21, 1941 (55 Stat. 781): Time for examination of accounts of Army disbursing officers is extended to 90 days in time of war or during any emergency declared by Congress or determined by the President and for a period of 18 months after such war or emergency (31 U. S. C. 80a).

Section 18 of act of February 2, 1901 (31 Stat. 752): Authority for the Surgeon General to appoint as many contract surgeons as necessary in emergencies (10 U. S. C. 107).

Act of December 26, 1941 (55 Stat. 862) as amended: Time for administrative examination of monthly accounts of disbursing officers of Navy, Marine Corps, and Coast Guard is extended in time of war or national emergency (31 U. S. C. 80b).

Act of August 29, 1916 (39 Stat. 580): Navy enlisted men on furlough without pay for the unexpired portion of their enlistment are subject to recall to complete the enlist-